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# The Canadian Historical Review

NEW SERIES

OF

THE REVIEW OF HISTORICAL PUBLICATIONS  
RELATING TO CANADA

(FOUNDED 1896)

VOL. IV

TORONTO, SEPTEMBER, 1923

No. 3

## CONTENTS

NOTES AND COMMENTS	- - - - -	197
ARTICLES		
<i>The Canadian Historical Association</i>	- - - - -	
By James F. Kenney	- - - - -	200
<i>The New Dominion</i>	- - - - -	
By Alexander Brady	- - - - -	204
<i>An Historical Survey of Indian Migration within the Empire</i>	- - - - -	
By Miss E. E. Smillie	- - - - -	217
NOTES AND DOCUMENTS		
<i>The First Assembly in Lower Canada</i>	- - - - -	
By F. H. Soward	- - - - -	258
REVIEWS OF BOOKS (see next page)	- - - - -	264
RECENT PUBLICATIONS RELATING TO CANADA	- - - - -	277

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## REVIEWS OF BOOKS

<i>The William L. Clements Library of Americana at the University of Michigan:</i> by W. S. Wallace.....	264
<i>GOLDER, Bering's Voyages</i> , vol. I.....	265
<i>GALE, Historic Tales of Old Quebec</i> .....	266
<i>SULLIVAN, The Papers of Sir William Johnson:</i> by A. H. U. Colquhoun.....	266
<i>BURNETT, Letters of Members of the Continental Congress</i> , vol. II: by Alexander Brady.....	268
<i>NEWCOMBE, Menzies' Journal of Vancouver's Voyage:</i> by His Honour Judge Howay.....	270
<i>KELLY, The Story of St. Paul's Parish, Toronto</i> .....	272
<i>KENNEDY, Social and Economic Conditions in the Dominion of Canada:</i> by Harold A. Innis.....	273
<i>The Canada Year Book, 1921:</i> by Professor G. E. Jackson.....	274
<i>EWART, Canada and British Wars:</i> by W. S. Wallace.....	275

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# The Canadian Historical Review

VOL. IV.

TORONTO, SEPTEMBER, 1923

No. 3

## NOTES AND COMMENTS

ON September 16, 1923, will occur the centenary of the birth of Francis Parkman. It is difficult to realize that it is now nearly three-quarters of a century since *The Conspiracy of Pontiac* first made its appearance; and over thirty years since its author laid aside his pen. Since Parkman told the story of the *ancien régime* in Canada, much work in that field has been done by others. Fresh materials have come to light; new avenues of research have been opened up. Indeed, it is not too much to say that Parkman merely scratched the surface of the soil. Yet this fact does not detract from, but rather enhances, his true fame. That an invalid, such as he was ("I was forced," he confesses, "to work with the eyes of others"), should have gathered, half a century ago, the materials for a series of works which, from the standpoint of historical scholarship, have not been superseded or successfully challenged to this day, and that he should indeed have won for himself perhaps the foremost place among American historians, can only be regarded as an achievement bordering on the marvellous. "Not happiness, but achievement", was his youthful motto; and the story of his life was a signal illustration of this ideal. It is a pleasure to know that the Canadian Historical Association and the Canadian Authors' Association are joining hands this autumn to honour the memory of this great author and historian who first made the early story of Canada familiar to the world.

Elsewhere in this number will be found an account of the second annual meeting of the Canadian Historical Association, held in May, 1923, at the Victoria Memorial Museum, Ottawa. We have to note also the publication of the first annual report of the Association, that for the year 1922. In this report are included, not only such matters as the address of the president, Mr. Lawrence J. Burpee, and the minutes of the annual meeting, but also a number of "Historical Papers and Addresses on Canadian Landmarks", all of which will be found noted in the bibliography of recent publications relating to Canadian history printed in this number. While these papers are slight in character, and somewhat local in their interest, it is a pleasure to find that the Association is already concerning itself in the publication of records. The membership of the Association, of which a list is printed in the report, is, while not small, still far from what it should be; and no apology is needed here for urging all who have the interests of historical study at heart to give their adhesion to the Association. The treasurer of the Association is Mr. C. Marius Barbeau; his address is the Geological Survey, Victoria Memorial Museum, Ottawa; and the annual subscription to the Association is two dollars.

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The Anglo-American Historical Committee, appointed by the conference of Anglo-American historians held in London in July, 1921, invited a small committee of well-known historical scholars to "suggest principles upon which historical documents should be edited". This committee has now made its report; and the report has been published in the first number of the *Bulletin* of the newly organized Institute of Historical Research in the University of London. It is a document of great interest to all who have anything to do with original materials in history. If its recommendations were universally adopted, it is safe to say that the work of historical scholars would be considerably lightened and simplified. The subjects dealt with in the report are "Rules for Making an Accurate Transcript", "Principles Suggested for the Construction of a Printed Text", "The Preparation of Various Forms of Calendars", "Indexing", "Terms used in Describing Documents", and "Descriptions of English Seals Attached to Documents, and the Methods of Attaching Them (Post-Conquest)".

In the present number of the REVIEW, the account of the first annual meeting of the Canadian Historical Association is by Mr. James F. Kenney, of the Public Archives, who is the editor of the association; the paper on *The New Dominion* is by Professor Alexander Brady of Wesley College, Winnipeg, a writer eminently qualified, both by birth and by training, to discuss Irish affairs; and the *Historical Survey of Indian Migration within the Empire* is by Miss E. E. Smillie, a graduate of the University of Toronto who has spent a number of years in India, and who has made an exhaustive study of the subject of Indian migration. It is hoped that this paper, which has been inserted in this issue to the exclusion of other matter, will be of distinct interest and importance, in view of the part which the problem it presents is likely to play at the forthcoming Imperial Conference. The document published with regard to the first assembly of Lower Canada has been copied and edited by Mr. F. H. Soward, of the Department of History in the University of British Columbia.

## THE CANADIAN HISTORICAL ASSOCIATION

THE first annual meeting of the Canadian Historical Association was held at the Victoria Memorial Museum, Ottawa, on Thursday and Friday, May 24 and 25, 1923. The attendance was good—at the evening meeting of May 24 it was gratifyingly large. Among the public bodies and historical societies represented were the Historic Sites Board of the Department of the Interior, the Anthropological Division of the Geological Survey, the Public Archives, the Nova Scotia Historical Society, the Women's Canadian Historical Society of Ottawa, the Wentworth Historical Society, the Niagara Historical Society, the Elgin Historical and Scientific Institute, the Manitoba Historical Society, the British Columbia Historical Association, and the Imperial Order of Daughters of the Empire. The enthusiasm which characterized the meeting of the previous year, at which the Association was organized, was maintained, but its expression now took the form of an eager grappling with some of the practical problems of the historical profession. The programme, within the field of Canadian history, was varied and scholarly; unfortunately, the difficulties with which a first-year executive had to contend prevented the inclusion of papers on other than Canadian topics, but the impression must not thereby be given that either Canada or the Association is lacking in workers in the broader fields of historical science.

Other societies which held their annual meetings at the same time and place were the Royal Society of Canada and the Canadian Branch of the American Folk-Lore Society, both of which included in their programmes papers of interest to historical students. Invitations were extended to the members of the Association to visit the Public Archives building, and also the Bytown Museum, which is maintained by the Women's Canadian Historical Society of Ottawa.

At the opening session of the Association, on the evening of May 24, Professor Basil Williams, head of the history department of McGill University, gave an appreciation of the person-

ality and achievements of Francis Parkman which, in sympathetic insight and literary grace, was worthy of that great historian of early Canada. The paper was of timely interest because the present year will see the centenary of Parkman's birth. The presidential address, by Mr. Lawrence J. Burpee, followed. Mr. Burpee, after remarking that the most important subject which had come to the attention of the Association during the year was a proposal for the preparation of a series of skeleton lectures on Canadian history with accompanying lantern-slides and other illustrative material, offered his address, which was on the North West Company, as a suggestion of the lines along which such lectures might be prepared and developed. The address consisted of a brief outline of the salient facts of the company's history, followed by a series of aptly selected extracts from contemporary narratives of the fur-trade. The illustrative matter included wall-maps, lantern-slides, moving-pictures of the life of the fur-bearing animals and of the David Thompson pageant held at Lake Windermere last year, phonograph records of *voyageur* songs, one of them taken, in the ninetieth year of his age, from one of the last survivors of the *voyageurs*, and two folk-songs sung by French Canadians of the present day. The whole proved to be an unique and most interesting experiment.

On May 25 a morning and an afternoon session were held. It will be more convenient here to summarize the papers and business matters which came before these sessions, rather than to follow the order of the programme. The following papers and addresses were delivered: an account of the historical origins of the Labrador boundary dispute between Canada and Newfoundland, by Dr. James White, technical adviser to the Department of Justice; "The Spanish Discovery of British Columbia", by Judge Howay, of New Westminster, being an account of the voyage of Juan Perez in 1774; some notes on Rocky Mountain House and the early trading posts on the Saskatchewan river, by Dr. D. B. Dowling, of the Geological Survey; a description, by Mr. Diamond Jenness, also of the Geological Survey, of two stone monuments on Coronation Gulf erected by Arctic exploring expeditions, one, in 1839, by the expedition of Dease and Simpson, and the other, in 1848, by that under Sir John Richardson; a sketch of the history of the trading post at Fort Simpson, on the coast of British Columbia, by Mr. C. M. Barbeau; a scholarly study of political history—"La Fontaine, Rolph et Papineau (Episodes de 1838 et de 1843)"—by Mr. M. B. de La Bruère, of

the Montreal branch of the Public Archives of Canada; and "The Passing of the Sailing Ship at Quebec", with a sketch of the connection between that subject and the revolution which has taken place in the timber industry of eastern central Canada, by Mr. Pemberton Smith, of Montreal.

The president, the secretary-treasurer, Mr. Barbeau, and the chairman of the Landmarks Committee, Mr. Pemberton Smith, outlined the activities of the Association during the past year, and the interests which are now occupying its attention. It was represented at such functions as the erection of the memorial cross at Port Dover, Lake Erie, in July, 1922; the opening of the David Thompson memorial at Lake Windermere, B.C., in September of the same year—a fine reconstruction of an old trading post, for which the people of Canada are indebted to the public spirit of the Canadian Pacific Railway Company and the Hudson's Bay Company; the historical congress at Rio de Janeiro, also in September, held in connection with the celebration of the centennial of Brazilian independence; the unveiling of the statue to Pierre Gaultier de la Vérendrye, at Quebec, on September 28; the meeting of the American Historical Association, at New Haven, in December; the fifth International Congress of Historical Studies, at Brussels, in April; and the dedication of the memorial to Abraham Martin at Quebec, on May 12. Among matters to which the Association is now giving its attention are the celebration, in conjunction with the Canadian Authors Association, of the centennial of Francis Parkman; the preservation of the old stone fort at Winnipeg, and of the building known as "The Priory" at Guelph; the more conspicuous marking of the site of La Vérendrye's house at Trois Rivières; the erection of memorials at Nootka Sound, and at Bella Coola, where Alexander Mackenzie completed the first transcontinental voyage; the placing of a monument on the hitherto unmarked grave of David Thompson in Montreal; and the protection of certain Indian petroglyphs at Nanaimo, B.C. With this last may be associated a subject brought before the meeting by a message from Mr. Harlan I. Smith, of the Archaeological Division of the Geological Survey, the preservation of the Indian totem poles of British Columbia, which have been disappearing rapidly, by sale or otherwise, during the last few years.

The subjects which called forth the greatest discussion were a proposal, by Professor Archibald MacMechan, of Dalhousie University, for the publication of a Canadian historical album,

to contain maps, charts, and pictures of historical significance, and another, originating with Dr. J. C. Webster, of Shédiac, N.B., for the preparation, in coöperation with the Public Archives and other organizations, of a series of skeleton lectures on Canadian history, accompanied by illustrative material, especially lantern slides prepared from authentic pictorial and map sources. By these methods it is hoped that much may be done to overcome the present difficulties of teachers in imparting to their pupils an understanding of and liking for history. It was decided to refer both projects to the further consideration of the executive.

After a year's experience of the new constitution the members of the Association were of the opinion that it would prove satisfactory. Mr. Pemberton Smith suggested that the duties of the society should include the preparation and preservation of accurate records of the location of historic landmarks: the opinion of the meeting was that such work was covered by the wording of the constitution, and that the adoption of a specific amendment was not necessary, but that the attention of the Landmarks Committee should be called to the matter. A motion of condolence on the death of Mr. George Durnford, former treasurer of the Historic Landmarks Association, was adopted. The meeting also passed a vote of thanks to the Department of the Interior, Canadian National Parks Branch, for the publication of the annual report of the Association. The treasurer's report was read, showing receipts during the year of over \$470.00, and a balance on hand of \$350.00. The final item of business, the election of officers, resulted in the return of the officers of the preceding year. A list of these is appended.

JAMES F. KENNEY

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OFFICERS OF THE CANADIAN HISTORICAL  
ASSOCIATION, 1923-24

*President*, Lawrence J. Burpee, Ottawa.

*Vice-President*, W. D. Lighthall, Montreal.

*Secretary-Treasurer*, C. M. Barbeau, Ottawa.

*Editor*, James F. Kenney, Ottawa.

*Council* (in addition to the above-named officers): Arthur G. Doughty, Ottawa; Pierre Georges Roy, Quebec; George M. Wrong, Toronto; Chester Martin, Winnipeg; Archibald MacMechan, Halifax; F. W. Howay, New Westminster.

## THE NEW DOMINION

THE establishment of the Irish Free State must not be looked upon simply as a domestic incident in the long and weary tale of Anglo-Irish relationships. On the contrary, it is an event that has, and will continue more profoundly to have, a vital influence upon that association of communities of which Canada is an elder member. There is the very obvious but not insignificant fact, well stated in the words of Mr. Lloyd George, that "the freedom of Ireland increases the strength of the Empire by ending the conflict which has been carried on for centuries with varying success, but with unvarying discredit".<sup>1</sup> It promises to heal a fatal wound that drained the vitality of the British people, but it does more. In addition to securing the strength of the Empire, it will accelerate the transformation of that Empire into an association of nations, knit together by various associative bonds rather than by the rigidity of an Austinian sovereign.

To Canadians the establishment of the Irish Free State is of special interest in virtue of the fact that Canada was chosen as the exemplar of Dominion status to which Ireland was raised: the constitutional status of Canada in intra-imperial and international relationships was chosen as the new status of Ireland in the life of the Commonwealth and in the political life of the world. But the significance of the establishment of the Free State is broader and deeper than this fact might indicate. Ireland finds in Canada a model, but Canada in turn may be influenced by her imitator. In the new Dominion Canadians can find a community, organized politically to some degree on a Canadian pattern, but a pattern with great additions and emendations.

But in order to discuss this point intelligently, it is necessary to describe the new form of government for the political organization of Ireland. To Canadians, who have not reached the finality of perfection in constitutional arrangements, the Free State constitution in itself will repay careful study. It is a piece of political

<sup>1</sup> Debates on the treaty, December, 1921.

architecture of singular interest. It reveals in many of its articles the touch of imaginative minds and an audacity that will not shrink from political experiment.

One of the marked characteristics of the new Irish constitution is the frank acceptance of popular sovereignty as the basis of the state. Mr. Darrell Figgis, acting chairman of the Constitution Committee, remarks that the original purpose of the constitution "was to make the mechanism of government malleable at every stage to the will of the people of Ireland".<sup>1</sup> The second article, in laying the basis of the constitutional framework, runs: "All powers of government and all authority, legislative, executive and judicial in Ireland are derived from the people of Ireland." This statement is more than an opening gesture. A perusal of the succeeding articles is convincing that the "original purpose" is realized as far as it can be realized in constitutional scaffolding. The constitution stretches the principles of democratic control to the fullest limit. In every important article the attempt to apply the principle of popular sovereignty is consistent, notwithstanding that the framework is here and there clothed with what Mr. Figgis calls "feudal trumperies".

Universal suffrage with no distinction of sex is accepted as the electoral basis for both chambers, and the application of the principle of proportional representation is an attempt to obtain expression for the various wills within the nation, which the large political caucus fails to do. The adoption of the initiative and the referendum is a recognition that a representative chamber with legal sovereignty in its grasp may not necessarily act in accordance with the impulses of a people. It is noteworthy that the initiative and the referendum are applicable to both ordinary laws and constitutional amendments. Article 47 outlines the provisions governing the application of the referendum to ordinary bills passed by both Houses. On the written demand of two-fifths of the members of the Dail Eireann, or of a majority of the members of Seanad Eireann (Senate), presented to the president of the Executive Council, such bills may be suspended for a period of ninety days. Within this period a demand may be made for reference of the measure to a referendum of the people, either by a resolution of the Senate or by a petition of not less than one-twentieth of the voters on the register. A majority of votes in the referendum is deemed conclusive. The terms of article 47

<sup>1</sup> *The Irish Constitution.*

do not apply to money bills or bills considered necessary for the preservation of public peace. Article 48 outlines the procedure for the initiation by the people of proposals for laws or constitutional amendments. But of more general interest, because of its departure from constitutional practice within the Empire, is article 50. It discards the British rule that parliament is a constituent as well as a legislative body. Parliament may pass amendments to the constitution, but such amendments do not become law unless they are accepted either by a majority of voters on the register recording their votes in a referendum, or by two-thirds of the voters who go to the poll. The constitution is considered a fundamental law, only altered by the verdict of the people with whom sovereignty rests. Upon Ireland's power of amending her constitution, her associate Great Britain imposes no limitation, except that amendments in violation of the treaty of December, 1921, would be *ultra vires*. That treaty lays down the conditions on which the two countries associate. To Ireland it is the sheet anchor of her position in the British Commonwealth, and provides a free and easy anchorage.

Whole-hearted acceptance of popular sovereignty is expressed not merely in the provisions respecting the use of the initiative and the referendum, but also in two interesting portions of the constitution, the senate and the executive. The construction of second chambers remains one of the most perplexing problems of political science. The manner in which the Free State attempts to solve it is of special interest to Canadians, whose Senate has proved an institutional failure. Logical thinkers consider it invalid to have a second chamber with the power of defeating the decisions of the primary and popular house. The legislative needs of modern communities are too urgent to tolerate a second chamber with the functions of a mill dam. A second chamber, whether hereditary or nominative, which retains powers of prolonged legal obstruction is an obnoxious luxury, which a modern community can ill afford. A democracy pre-eminently requires in a second house not an institution to retard political action and render futile the deliberations of the primary house, but one to exercise a moral influence over action; not a mechanism of checks, but some means of bringing vital thought to play upon proposed legislation. For this end, two conditions are requisite in its construction: firstly, that it be the choice of the people; secondly, that it be selectly composed of those who, through solid distinction in varied fields of national activity, naturally exercise moral

influence over the electorate and the electorate's representatives. The Irish Senate is based upon these two conditions. Its sixty members are elected from a panel constituted of three times as many qualified persons as there are members to be elected, chosen in part by the Dail (lower house) and in part by the Senate. The Free State as a unit is a constituency for the election of candidates, and elections are held on principles of proportional representation. The candidates on the panel are citizens over thirty-five, proposed on the ground that they have done honour to the nation by reason of useful public service or by distinguished work in other spheres. The nomination of W. B. Yeats and Mrs. Alice Green is symptomatic of the type of persons who may be chosen for the senatorial office. The functions of the Senate are circumscribed. Through its discussions and attitude upon public questions, it is expected to provide sage opinion and wield moral influence, but its legislative power is restricted. It has no control over financial measures, and it cannot obstruct bills for a longer period than nine months. It is to stand as the sentinel of the popular will, guarding the political power of the people from the encroachments of an aggressive lower house. For this purpose, it has the privilege of referring measures passed by the Dail to a popular vote (Art. 47). Due to its wide representative character and to the fact that it cannot provokingly incommodate public business, it is likely to rivet upon itself much popular support and sentiment, and thereby wield much valued influence.

In the construction of an executive, the composers of the first draft flirted with novel experiments. Consistent with their general aim, they endeavoured to make the executive unmistakably subject to popular control. They were not forgetful of the tendency in the British constitution for the executive to master the law-making body which in turn masters the electorate, with the consequence that the executive is only slightly pliable to popular impulses, and the end of democracy is defeated. To prevent this, the executive council of twelve ministers in the first draft was to consist of two parts: four members were to sit in the chamber, and eight were to be non-parliamentary men. But the constitutional debates in the Dail soon dragged to the surface defects in this arrangement. Fear was expressed at the prospect of an executive in which a majority would be men out of touch with the legislature. There would be an obvious difficulty of placing responsibility. There was the added danger of an executive within an executive, or a fatal division in the

council in virtue of the fact that the tenure of the four was different from that of the eight. The four could at any time be removed by a vote of the chamber, but the eight could not normally be removed during the life of the chamber. It is likely that the four would act as a unit, and a division of interests and policy within the executive would result. Trenchant criticism was passed upon the arrangement, and it was amended in the final draft. All members of the executive council proper must be members of the Dail and responsible to it, but it was conceded that there might be some ministers, outside the executive council, not members. The value, if any, of this arrangement must be tested by experience.

It is of considerable interest that the conventions which govern executive action in other Dominions are in the Irish constitution reduced to positive law. Article 54 provides for the collective responsibility of the ministry, and article 53 for the retirement of a ministry when it has lost the support of a majority in the legislature. Two noteworthy departures from Canadian precedents are the very sane provision that a member of the Dail, when appointed to the ministry, is not obliged to resign his seat and seek re-election, and the experimental enactment that parliament may not be dissolved by an executive council which has lost the support of a majority in the Dail.

Of the formal executive authority little need be stated. As in Canada it is vested in the king or his representative, to be exercised "in accordance with the law, practice and constitutional usage governing the exercise of the executive authority in the case of the Dominion of Canada". It is significant that contrary to Dominion practice no power of disallowance of acts assented to by the governor-general is reserved to the Crown. The rights of the governor-general to reserve or withhold assent to a bill is maintained, but its exercise is to be governed by Canadian constitutional usage—which means that no bill will be refused assent or reserved, "for reservation in Canada is obsolete save under Imperial Acts, which are no longer intended to be valid in Ireland, and the withholding of assent is absolutely obsolete. In effect Irish legislation will be utterly unfettered by the Imperial government or parliament."<sup>1</sup> An important severance from formal British precedents is that the Dail nominates the president of the council, who appoints the other ministers, and

<sup>1</sup> Keith, Letter to *The Times*, June 16, 1922.

hence the Crown's representative is deprived of his privilege, exercised elsewhere in the Dominions, of choosing a leader. In actual practice this departure is of course not considerable. A wide choice is seldom open to the Crown, and in British institutions it is really the House of Commons which chooses the prime minister.

Few provisions in the constitution can be so interesting to Canadians, to whom occupational representation has become more than a theory, as article 45, which states that the Oireachtas (parliament) "may provide for the establishment of functional or vocational councils representing branches of the social and economic life of the nation". When such councils, embodying the guild idea of occupational representation are founded, it is likely that many heads of departments will be drawn from them. Occupations will then have not merely representation, but executive authority in the national government, and Ireland will present an apt illustration of the disintegration of sovereignty.

The constitution provides a general outline of the judiciary, indicating its organic relation to the other powers of government. The old system of courts and titles is refashioned into a new and simple system, the details of which are left for later Acts. The system provides courts of original instance, civil or criminal, including a high court and a court of final appeal or supreme court. Judicial independence is secured by provisions similar to those prevailing in other Dominions. Mr. Figgis considers that the judiciary conforms completely to the original aim of making the constitution malleable to the popular will; for instance, by article 65 "the judicial power of the high court shall extend to the question of the validity of any law having regard to the provisions of the constitution". The judiciary, provided with this power of judicial review, is to guard the constitution and the popular rights that it embodies from the actions of an aggressive legislature or executive. The decision of the supreme court "shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other court, tribunal, or authority whatever". Yet, following this statement, there is what might be assumed to be a contradictory clause: "Provided that nothing in this constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave." The clause was obviously introduced reluctantly, and Darrell Figgis and other Irishmen

do not disguise their dislike of appeals to the Judicial Committee. "It is hostile, on the face of it, to the entire spirit of the Constitution."<sup>1</sup> Darrell Figgis further remarks that "the right to allow such appeals to the Judicial Committee is based, ultimately, on the acknowledgment of the supremacy of British legislation; and the plain intention of our Constitution is that this supremacy is not acknowledged, each party to the treaty being a co-equal member of a larger Community."<sup>2</sup> No one is likely to doubt the truth of Professor Keith's remarks that the attempts to safeguard the appeal to the Judicial Committee are inadequate: "The essential provision that decisions by the King in Council shall be binding on Irish Courts is omitted, and, as Australian precedent shows, cannot be assumed. Further, the Constitution leaves it utterly vague whether the right of appeal may be abolished by the Irish Parliament. Can Ireland be denied the right expressly recognized in the case of Australia and the Union of South Africa?"<sup>3</sup>

The Irish Free State is significant not merely as an audacious experiment in constitutional architecture. It throws a vivid light upon the nature of the British Commonwealth. It indicates more strongly than any other event in recent times that a revision of our ideas about the term Empire must be made. It has accelerated that process hastened by the war towards an equality of the Dominions with the United Kingdom. It may have been wrong ten years ago to speak of the Empire as an imperium rather than an association. It is certainly wrong now to speak of it as anything but an association. Ireland (excluding Ulster), through its representatives who signed the treaty of December, 1921, agreed to resign the illegal but real republic which it endeavoured to establish and to accept membership in a "community of nations". She was not asked to surrender the political sovereignty of her people, but, in the forcible words of General Smuts, to become "a sister dominion in a great circle of equal states". It might be argued that the impressive impact of political necessity had driven the Irish and British representatives to an agreement, but that the general terms of the treaty would mean little when reduced to positive law. The Irish constitution, briefly outlined in the preceding paragraphs, dispels the force of such an argu-

<sup>1</sup> *Irish Constitution*, p. 51.

<sup>2</sup> *Irish Constitution*, p. 56.

<sup>3</sup> *The Times*, June 16, 1922.

ment. In keeping with the treaty, Ireland framed a constitution that in almost every line endeavours to express the sovereign will of the Irish community. There is little more than a dim, formal recognition given to an imperial sovereign. The oath taken by members of the Free State parliament is one firstly of "faith and allegiance to the constitution of the Irish Free State as by law established", and secondly of fidelity to "King George V, his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations". The lyrical enthusiasm of Michael Collins in presenting the treaty with Britain to the Dail was not misplaced. "We have got rid of the word Empire for the first time in an official document. . . . We declare fidelity to the Crown merely in its capacity as the link between nations."<sup>1</sup> He was speaking for the new Dominion, but his words sound true for all the Dominions. Whatever it may be in law, imperial sovereignty in reality has become a figment. The establishment of the Free State powerfully reinforces the conclusion, drawn from the developments of the past twenty years, that the Empire has been transformed into an association of autonomous nations.

But the creation of the Free State has not resulted in a clear and complete definition of Dominion status. It is significant that throughout the negotiations with Ireland, British statesmen shrank from defining the Dominion status to which Ireland was raised. They desired to leave loose and vague the relationship subsisting between the two countries. "What does dominion status mean? It is difficult and dangerous to give a definition. . . . We realize the danger of rigidity and the danger of limiting our constitution by too many finalities."<sup>2</sup> Such was Mr. Lloyd George's reticence. Mr. Asquith spoke in similar tones, remarking that "in an Empire so varied as ours . . . I think it has been the real cause of our unique success in reconciling local autonomy with Imperial unity that dominion status never came out of a cast iron mould, but has been applied time after time in quarter after quarter with flexibility and elasticity".<sup>3</sup> The opinion of Mr. Ramsay MacDonald was similar. "He hoped the time would never come when there was any attempt made to define

<sup>1</sup> *The Times*, December 20, 1921.

<sup>2</sup> Debates on the Treaty, 1921. Parliamentary Debates, Vol. 149, p. 27.

<sup>3</sup> *Ibid.*, p. 138.

in rigid formulæ the relations between the various parts of the Empire. The one safety of the Empire was that those relations should remain organic rather than legal."<sup>1</sup>

Such statements were dictated by sound political instinct. It is probable that the real basis of a vital association cannot be defined any more than it is possible to reduce to legal clarity the bonds of friendship. The "de facto" condition of a Dominion is not completely recognized "de jure", but the establishment of the Free State has made clearer the essential element in Dominion status, the possession of a comprehensive sovereignty. It shows markedly that in the British Commonwealth the trappings of sovereignty must not be confused with the substance. The clothes are in one place, the body elsewhere. The Free State constitution indicates that in Ireland the substance of sovereignty rests in the nation. The imperial clothing in part still remains, but can be no encumbrance to the living movement of an old community. Through the constitutional settlement of 1922 the Irish nation fits into a greater organism, vitalizing thereby its own life and enriching that of the great unit. The bond of this union is not that of Austinian sovereignty, but an almost indefinable magnetism that preserves in association one community with another because their vital interests dictate it. Such is the real tie of the existing Commonwealth, and it cannot be expressed in a statute.

The establishment of the Free State has a further imperial significance. It brings into strong relief two imperative needs in the organization of the Commonwealth. Ireland, like the other Dominions, has been admitted as a member of the League of Nations, and like them also has representation in the Assembly of the League. Her entrance makes the position of the Commonwealth stronger in international affairs. But it does more. It forces more than ever to the front the problem of a unified foreign policy for the Commonwealth, since the Irish Free State is a *European* nation. With this fact in view, the present incoherent arrangements are more anomalous than ever, and singularly inadequate. The adherence of a *European* Dominion will make the present lack of definiteness acute, and prudent changes are urgent and imperative.

The establishment of the Free State has also tended to accentuate the necessity for an imperial judicial tribunal. The treaty

<sup>1</sup> *The Times*, Nov. 28, 1922.

between the British and Sinn Fein representatives left vague the problem as to how its alleged violations were to be dealt with. The Judicial Committee of the Privy Council could not be used for this purpose unless it was made representative of Irishmen. The need felt in this case for a tribunal representative of both sides and of other Dominions is a need long felt in the Commonwealth for an appellate court. The Judicial Committee, as at present constituted, is not satisfactory. The remark of Mr. Hughes of Australia at the Imperial Conference of 1918 has an intensified truth to-day: "There should be one final court of appeal for the whole Empire—a court on which Dominion as well as British judges are not only qualified but available to sit; and to which appellants from all parts of the Empire should have recourse." It may not be too much to hope that the establishment of the Free State will hasten the creation of such a tribunal. It certainly makes the need more obvious.

Few topics can be of more vital interest to Canadians than the probable effect of the establishment of the Free State upon Canada's Dominion status. In article 2 of the Irish treaty it is stated that "subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State". At first thought, it might seem that the establishment of the Free State could have little effect upon Canada's status, since Canada was chosen as Ireland's exemplar. But significant are the words of Michael Collins: "In obtaining the constitutional status of Canada, our association with England is based not on the present technical legal status of the Dominions, but on the real position of complete freedom and equality which they have in fact secured. There is thus recognized *de jure* for Ireland what exists only *de facto* for the Dominions. In other words we have received a stronger legal status than any of the Dominions."<sup>1</sup> In these words there is a very large element of truth. Ireland took Canada's constitutional status and reduced it to a legal status. A notable instance is the right of the imperial power to disallow Acts. This right was preserved to the imperial government in the British

<sup>1</sup> *The Times*, December 20, 1921.

North America Act (section 56), although it has fallen into desuetude. It is not preserved in the Irish constitution. What has been conventional in the relations between Britain and Canada has thus been reduced to law in the relations between Britain and Ireland. Dicey brilliantly indicated that in British institutions constitutional conventions are as strong as laws, and indeed legal power is controlled by constitutional right. But none the less it means an advance on Ireland's part to have the conventions of Dominion status as possessed by Canada reduced to positive law in the relations between her and Great Britain. It tends to sweep away the cobweb of misconception and ambiguity, and to introduce simplicity and clearness into relationships. In this respect the Free State may well prove to Canada an exemplar. Laws that lag behind the advance of constitutional conventions make a constitution unnecessarily complicated and may impede its working. The safest remedy would seem to be the reduction of conventions to laws, and the removal of those laws that are obsolete. Such is the example set by the Free State.

But the Free State constitution marks not merely an advance upon Canada's legal status, and hence beckons Canada on to legal change. It also gives ample evidence of an advance upon Canada's entire constitutional status. The most signal instance is in respect to the power of changing the constitution. In the Irish document are a number of provisions stating the manner in which constitutional change may be effected, and significantly there is no reference to consulting the imperial government. It is, of course, clear that the government of the United Kingdom would scrutinize carefully any change to insure that the terms of the treaty of December, 1921, were not violated, but within the elastic boundaries of that treaty Ireland is free to launch into whatever constitutional experiments she pleases. The fact is indicative of the magnificent charter of liberty which she has obtained. Canada's federal government, however, has no power of effecting vital changes in her constitution. The British North America Act does not provide it, apparently on the ground that, the constitution being a federal pact, it could be altered only with the general agreement of the provinces. To obtain constitutional amendments of consequence, Canada must go to the formal fountain-head of sovereignty, the British parliament. She can obtain alterations without serious obstruction from imperial statesmen, yet the formality of consulting the British government indicates on her part a constitutional inferiority to

Ireland. In this respect the Free State represents a more advanced form of Dominion status and a more evident negation of imperial sovereignty. It will undoubtedly constitute for Canada a model, giving a stimulus to those Canadians who seek for the Dominion control over constitutional amendments. If the principle of equality is to be recognized in the Commonwealth, it will be difficult to deny to one member what is granted to another. The power of refashioning her own constitution cannot long be withheld from Canada, if the claim to equality of status is to possess any real meaning.

Another important respect in which Canada's status would seem inferior to that of Ireland is in the legislative power of the federal parliament. The parliament of the Free State is vested with the "sole and exclusive" (article 12) power of making laws for the Irish Free State, and the obvious aim of the constitution is to exclude any but Irish legislation. As the constitution was embodied in an imperial Act it would appear—although this is open to question—that the imperial parliament renounced thereby its legislative supremacy over Ireland. It has not done so in the case of Canada or any other Dominion. Ireland's advanced status in this respect will undoubtedly in time influence the status of Canada and the sister nations of the Commonwealth. Professor Keith rightly suggests that in these provisions there is an inconsistency between the Constitutional Act and the terms of the treaty in accordance with which the Constitutional Act must be construed.<sup>1</sup> The treaty in the 2nd article, quoted in a preceding paragraph, stated that the Free State in its relations with Britain should conform to the relations subsisting between Canada and Britain. In the above mentioned respects, it does not conform, and the courts will be saddled with the delicate problem of solving the issues that may arise. Any article of the constitution violating the treaty is to be considered *ultra vires*, but in the two points mentioned it might be politically inexpedient to declare the clauses of the constitution null. If a conjecture may be given, it is more likely that the terms of the treaty in the future will be modified, for it would be pregnant with difficulty to withdraw from the Free State powers that it now possesses. Needless to mention, the powers that it retains, Canada will probably seek to obtain. The extension of Dominion sovereignty must follow the example set by Ireland.

<sup>1</sup> *Journal of Comparative Legislation and International Law*, February, 1923.

Other divergencies of the Free State from the Canadian model might be indicated, but they are not likely to influence greatly the future Canadian status, and some of them are transitory, growing out of the peculiar relations of warfare subsisting between Ireland and Britain previous to the treaty. Such are articles *vi*, *vii*, and *viii* of the treaty, which secure Great Britain against possible hostility on the part of the Irish Free State by guaranteeing imperial control over coastal defence for at least a period of five years and by placing a rough limit upon the establishment of the Free State. Such arrangements are merely temporary. Perhaps the most striking divergence between Canada and Ireland as Dominions, although not likely to affect Canada's status, is the fact that Ireland's position as a Dominion rests upon a treaty between representatives of Britain and representatives of Sinn Fein. There is no parallel to this in the past relations of Canada and Britain, nor indeed is there another parallel in the history of the Empire. The nearest approach to it was the arrangement at Vereeniging, in May, 1902, but that agreement was not a formal treaty, and did not concede responsible government to the Boers. Dominion status in Ireland has been the result of a revolution. In Canada, as elsewhere in the Commonwealth, liberty came with the slow growth of national manhood. But in the Commonwealth, old and young nations may find a common footing, and in association overcome common difficulties.

ALEXANDER BRADY

## AN HISTORICAL SURVEY OF INDIAN MIGRATION WITHIN THE EMPIRE

THE movement of Indians (that is, East Indians) within the Empire began more than half a century ago, and although it has been much restricted in all the self-governing Dominions there are now over three-fourths of a million Indians resident in the various parts of the Empire outside of India. The emigrants for the most part have come from the coolie or labouring classes, but their cause has been taken up by their educated brothers in India and elsewhere. These have aided them with contributions of money, supplied them with leaders, and through their various organizations, such as the British Indian Associations, have kept the Indian government and the British government constantly informed of the treatment which has been meted out to their countrymen the world over.

In the situation created by this movement the fruits of victory have not been entirely for either side. Countries that had desired to exploit cheap Indian labour under a system of indenture have found themselves forced to abandon their selfish plans. On the other hand, the Indians have not succeeded in opening up the Dominions to unrestricted immigration. At present the Dominions are affirming their right to say what the character of their population shall be, and to close the door upon those who would not contribute to the national ideal. The Indians have won the right for a limited number of their educated people to move about the Empire; and at the last Imperial Conference all the Dominions, except South Africa, subscribed to a memorandum that Indians already domiciled in the self-governing parts of the Empire should be granted full citizenship. Australia, New Zealand, Canada, and South Africa have, however, one after another either refused to open the door to the Indian or, having opened it and allowed a few to enter, have closed and locked it.

In some cases this struggle has produced deep resentment. Just at present the question has reached its most acute form in Kenya (British East Africa), recently made a crown colony.

But it is acute in many other places as well; and it is likely to be a difficult problem facing the forthcoming Imperial Conference. A survey of the historical aspects of Indian migration within the Empire may not, therefore, be inopportune.

The Indian has always been freely admitted to Great Britain. His presence there never created any difficult economic problem, for the Indian who has visited England, if not a prince or a student, has been at least a moderately wealthy man. He has never tried to compete with the British labourer, but has gone to England to spend his money. For the most part he has adopted English customs and manner of life. Having fulfilled the residence qualifications he is allowed to vote, and may even represent an English constituency in the Mother of Parliaments. As students, Indians have been freely admitted to the Universities; the wealthy have purchased lands; and princes and high caste Indians have been received at court. But there has never been in England any danger that they would become a menace. England's climate, her dense population, and her established civilization have protected her from invasion.

The great Dominions, with cheap land, opportunities for labour to develop well-nigh limitless resources, sparse populations, and new civilizations, have attracted a very different type of Indian. The poor, half-starved coolie from the crowded villages of India, where work is scarce and payment but five or six pennies a day, gradually awoke to the fact that outside of Hindustan there were other countries with "bread and work for all". This idea marked a great change for him, because he had looked upon his country as the only desirable land under the sun. All other countries were merely "villayti" (foreign places) and of them he had but the vaguest notions, believing them to be barbarous places to which no true son of Hindustan should go, for having gone and returned he must submit to dreadful ceremonies before he could be taken back into his family and be once again a true son of India. Those who went at first were mainly from the lowest classes. Over eighty per cent. of India's great population are agriculturists, and it was this class that supplied the bulk of the emigrants. In the Dominions these would not be ranked as farmers but as unskilled labourers. They did not know the use of tools—other than their hands. But they were people inured to suffering, with no expensive tastes, and quite untrammelled with an excess of baggage. Barefooted, clothed in a few scant cotton garments, with a piece of coarse, heavy cotton cloth for

coat by day and blanket by night, with a gaily coloured turban for headgear, possessing a drinking vessel, a bundle of favourite spices, a supply of "*pan*", a few Indian cigarettes—never did soldier of fortune start out to cross the seas with less equipment. Able to live on the minimum of food and submitting to being crowded tightly into trains and boats, they seemed the docile people that the employers of cheap labour had long been looking for. Such were the thousands of Indians who as indentured labourers left India for other parts of the Empire from 1860 until 1911.<sup>1</sup>

The history of Indian emigration in Australia may be briefly told. The Oriental labourer has never been admitted to that land. It is Australia's determination that the civilization of her island continent will be based on the institutions of the white man. "His racial characteristics in heart, mind, and morals are to be hers; his institutions, such as the family, the school, the church, and property, shall be hers." As close neighbour to over seven hundred and fifty million peoples who have neither such characteristics nor such institutions, she declares her determination to keep the door tightly barred. Her natural inclination to debar the Oriental because he is so alien to her people, is strengthened by a strong sense of her mission as the first outpost in the defence of the white races against the rest of mankind. So she maintains her policy in spite of the facts that her people are very few in comparison to the size of her territory, and that the tropical northern part of the country lying beyond the tenth parallel is not usually considered a fit home for the white man. She carries out her plan by imposing a strict educational test upon all who seek a home with her. The requirement of English and one other European language debars practically all but emigrants from Europe.

The reasons for keeping New Zealand a white man's country are stronger even than those that can be used to support Australia's claim. In every part of its favoured land the white man can live, work, and rear a healthy family. Its climate is one of the best in the world; its soil is rich and fertile; its conditions of

<sup>1</sup> In 1911 the government of India put an end to the indenture system in South Africa, and nine years later in all other colonies. Under the contract the coolie received much higher wages than he had got in India, but also much less than was paid the white labourer in the new land for the same work. The law tried to protect the coolie to some degree, but it also made breach of contract or refusal to work a criminal offence. At the expiration of the term of service the labourer was given the option of being repatriated or of arranging for another term of service.

plain and mountain, salt and fresh water, wind and rainfall are all that could be desired. New Zealand's restrictions against the Asiatic are less severe than Australia's, but not many Indians have yet sought her shores. In 1920 one hundred and eighty-eight Hindus landed at Wellington, and were allowed to enter the country. Their entrance represents the application of a new theory of immigration based on the economic and social conditions of the country. It allows a certain proportion of immigrants to enter annually. The same year several hundred Chinese landed at Auckland. Returned soldiers protested vigorously against this change in policy, with the result that a bill was introduced into the legislature, and the Chinese are once more restricted. The new plan of immigration as applied to British Indians is to be tried for a longer time.

Indians did not come to Canada to live until early in the present century. But between June 30, 1905, and March 31, 1908, over five thousand immigrants from India entered British Columbia. Indians seem first to have become interested in Canada when a detachment of Sikhs passed through on their way to Queen Victoria's Jubilee. A score of them, ex-service men, returned in 1905 hoping to find homes in Canada. Mr. W. L. Mackenzie King, reporting in 1907 on the origin of the movement, said: "Evidence of Indians who testified before the Commission indicates pretty clearly that the immigration from India owes its origin to aims and methods which were anything but Imperial and patriotic." He goes on to point out that the influx was not spontaneous, but was due in the main (*a*) to the activities of certain steamship companies, (*b*) to the distribution throughout the villages of India of literature setting forth, in glowing terms, the opportunities of fortune-making in Canada, and (*c*) the activities of certain individuals, among whom were a Brahmin, Davichand, and his relatives. These people induced a number of Indians to enter into a verbal agreement to work for hire in certain industrial concerns. They aimed at procuring cheap labour for the industries, and no doubt hoped to be paid a commission for their efforts.

The discovery of the Cariboo gold-fields and the construction of the Canadian Pacific Railway during the last forty years of the nineteenth century had brought many Chinese labourers to Canada. They had been followed, towards the close of the century, by an increasing tide of Japanese immigrants. The influx of the Indians occurred at a time when Canadians were

becoming more and more jealous of Eastern competition in the labour market. In 1907 riots occurred in Vancouver. The worst element among the white labourers attacked the foreign quarter of the city. The Orientals were forced to take refuge in their houses, and there they prepared to defend themselves. A good deal of property was destroyed. The Hindus, but newly come to Canada, were subjected to the common dislike, and they too suffered the destruction of their property.

The following table, taken from the *Canada Year Book*, shows the number of Indians who came to Canada between the years 1905 and 1917:

Year	No. of Indian immigrants	Year	No. of Indian immigrants
1905.....	45	1911.....	5
1906.....	385	1912.....	3
1907.....	2,124	1913.....	5
1908.....	2,623	1914.....	88
1909.....	6	1915.....	0
1910.....	10	1916.....	1
Total.....			5,295

All those who came did not remain permanently in Canada; a few crossed over to the United States in search of a better climate or higher wages. One authority<sup>1</sup> states that in 1911 only 2,342 Indians remained in British Columbia; another says 4,000 in 1914. The great falling-off in numbers after 1908 was due to a new Act. It reads: "The Governor General-in-Council may, by proclamation or order whenever he considers it necessary or expedient, prohibit the landing in Canada of any specified class of immigrants or of any immigrants who have come to Canada otherwise than by continuous journey from the country of which they are natives or citizens and upon through tickets purchased in that country." The principle of the "continuous voyage" on a through ticket was adhered to in 1910, when the statute was amended and made more explicit. The Indians as such were not mentioned, yet the framers of the new bill evidently had them in mind. This time an additional clause was added prohibiting "for a stated period or permanently the landing in Canada or the landing at any specified port of entry into Canada of

<sup>1</sup> G. H. Lepper *Indians Overseas* (Empire Review, Vol. 28).

immigrants unsuited to the climate or requirements of Canada or of immigrants of a special class or occupation or character."<sup>1</sup> Mr. King in his report had laid stress on the unsuitability of the Indian to the Canadian climate, and had given humanitarian reasons for keeping him out of British Columbia.

It was 1913 before the Indians made any serious attempt to gain further admittance. Up to that time a certain provision excluded immigrants from the jurisdiction of the court until they had been accepted or passed by the authority of the Department of the Interior. Sixteen Indians came on a trial trip asking for admission. A board of inquiry rejected them. An appeal was heard by the chief justice of the province, and he decided that the regulations adopted by the orders-in-council were in conflict with the statute under which exclusion was attempted and therefore they were invalid. The judgment was strictly technical. The regulations were promptly amended in accordance with the decision of the chief justice. The new orders-in-council went even further. At the time there was considerable unemployment in the coast cities, and the government, thinking it unwise to have increased competition in the labour market, issued an order prohibiting entrance to all artisans or labourers into British Columbia by ocean ports or by way of the United States until March 31, 1914. Before the time had expired, the regulation was renewed for another six months.

In the meantime, Indians encouraged by the success of their sixteen countrymen in gaining admittance, made more ambitious plans. Early in 1914 a Sikh, Gurdit Singh, arranged to bring a large party of Indians to Canada. Originally a native of Amritsar, he had for fifteen years carried on a successful business as a contractor in Singapore and the Malaya States. Owing to his knowledge of the Indian market, he had been able to make a large fortune in British Columbia lumber. He chartered a Japanese vessel, the *Kamagata Maru*, through a German agent at Hong Kong. He issued tickets and took passengers on board at Hong Kong, Shanghai, Nioji, and Yokohama. In all he had on board 351 Sikhs and 21 Punjabi (Mohammedans). Some were followers of the notorious Hardayal, the instigator of the *Ghadar* movement; some were loyal; some had formerly lived in the United States, but had left on account of labour difficulties. Gurdit Singh's action was no doubt largely influenced by advice and encourage-

<sup>1</sup> Statutes of Canada, 38c 9-10 Edward 7.

ment from Indians in Canada. He, himself, said later that he had been advised by counsel at Hong Kong that the Indians as British subjects had a right to emigrate to Canada. In Canada it was felt at the time that there was some ulterior motive behind the venture. That his main "object had been to cause an inflammatory episode" came out during the trial of the Lahore conspirators. He had told his followers that if they were refused admittance, they would return to India to expel the English.

A few years before this an Indian conspirator, Hardayal, had gone to San Francisco. He was imbued with passionate Anglophobia, and was determined to instil his own spirit into as many of his countrymen in America as possible. In several cities of the United States, he and his colleagues organized associations sworn to destroy British rule in India. They established a newspaper, called the *Ghadr*,<sup>1</sup> and printed it in Hindustani. They poured out their poems and prose articles for free distribution in America, and even tried to forward them to India. In their violent anti-British zeal they preached murder and revolt. They urged their countrymen to take up the cause and return to India to expel the English by any or every means. In December, 1913, Hardayal told audiences of Indians that Germany was preparing to go to war with England and that it was time to get ready to return to India for the coming revolution. His doctrines found ready acceptance with some of the Sikhs of British Columbia. In the same month a poem from the *Ghadr* newspaper was read at a meeting of Indians in Vancouver. It urged Indians to expel the English from India. At that time feeling ran high among the Sikhs in Canada because of a new requirement of the Dominion government. Every Indian who came to Canada had not only to come by a continuous voyage on a through ticket, but he was also required to have \$200 in his possession. In 1913 three Sikh delegates visited the Punjab, India, and at meetings held at various places they aired the grievances of the Indians in Canada. Here and there resolutions of protest were passed, but for the most part the people understood very little of the subject and were uninterested in it. It was not until after their departure that the Indian government recognized their purpose and learnt of their connection with the *Ghadr* movement in America.

Feeling among the Indians in British Columbia was very much embittered before the *Kamagata Maru* incident occurred and

<sup>1</sup> *Ghadr* means "slaughter" or "mutiny".

added fuel to their passions. After seven weeks at sea the boat reached Vancouver on May 23, 1914. The immigration officers naturally refused to allow the passengers to land. The would-be immigrants laid no claim to having come by a continuous voyage from India; almost none of the party had the necessary \$200. They simply stood on their right to enter as British citizens. Gurdit Singh declared emphatically that they were not labourers, but farmers. The medical authorities proceeded with the examination and over ninety were declared unfit to land for medical reasons. In the meantime the immigration officers, backed by labour organizations, boards of trade, city councils, the provincial government, and a majority of the people of British Columbia, held out against the landing of the British Indians. The leader of the expedition, resting his whole case on the privilege of the immigrants as British citizens to enter, was anxious to take the case to the court on that plea. Application was made for a writ of *habeas corpus*, and the constitutionality of the Canadian Immigration Act was attacked on the ground that it was an infringement of the *Magna Carta*, and in excess of the powers conferred by the British North America Act upon the Dominion. The lower court refused the appeal, and later Mr. Justice MacDonald of the Court of Appeal refused to revise the decision. In his judgment of the case Mr. Justice MacDonald said: "On the threshold of the case is the constitutionality of a Dominion Act. That the King with the advice and consent of the Imperial Parliament has power to make laws for the exclusion from British possessions of immigrants whether they are British subjects or not, has not been questioned, as indeed it could not be doubted. By the terms of the British North America Act the Parliament of Canada is endowed with sovereign power in matters relating to immigration into any part of the Dominion. No residue of authority, except the power of disallowance, is left the Imperial Parliament, and hence subject to the power which has not been exercised with respect to the Immigration Act, Canada's authority to admit immigrants of any or every race or nationality on any terms she please is complete. . . . The authority is as plenary and as ample as the Imperial Parliament in the plenitude of its power possesses and could bestow."

The passengers on board the *Kamagata Maru* did not meekly wait for the decision of the courts. On July 4, the immigration officers granted permission to five Indians to leave the ship and to confer in a launch with three local Hindus to whom they were

related. The conference over, the Indians on board refused to allow Captain Yamamoto to take the five on board again. The ladder was pulled up, and held so that it could not be lowered. The officers on shore refused to allow the party to land, and the launch with its occupants had to be moored in mid-stream. When, six weeks after the arrival of the boat off Vancouver, the Canadian authorities definitely decided to deport the Indians, the now-desperate passengers threatened to scuttle the vessel and to go on a hunger strike.<sup>1</sup> At one time they mutineered, and locked up their captain. The first officer, however, succeeded in getting ashore with instructions and advised the Vancouver authorities. This occurred when the captain was preparing to re-embark on the return trip. A boat with one hundred and fifty police, special officers, and immigration authorities, went out to the Japanese vessel and attempted to restore order. They were forcibly repelled by the people on board, and as a result of the encounter a score of the Canadians had to be sent to the hospital to have their injuries attended to.

Certain of the leading Hindus in Vancouver showed themselves in sympathy with the disturbances on the *Kamagata*.<sup>2</sup> When four of their number were arrested on account of threats which they had made, five hundred rounds of ammunition were found on them.

The success of the "invaders" in resisting the efforts of the police to restore order was but temporary. The Dominion government advised the naval authorities at Vancouver to make use of the *Rainbow*, which had now reached the scene of action, in effecting a boarding of the steamer. As the *Rainbow* prepared to interfere, the roofs of the houses and the quays were lined with the people of Vancouver, who had gone out to view the spectacle. The obdurate immigrants, however, gave way before a show of authority and agreed to the demand for departure. In the end, the government relaxed sufficiently to provide the ship with medicines and six thousand dollars worth of food for the journey. While negotiations had been proceeding a sum of twenty-two thousand dollars still due for the hire of the boat had been paid by the Vancouver Indians, and Gurdit Singh had given over the charter to two of the prominent malcontents on board. The authorities refused to advance money for the return journey or

<sup>1</sup> *The Times*, July 20, 1914.

<sup>2</sup> *Ibid.*

to reimburse those who had paid the debt. They in no way hindered, however, seven of the local Indians, who, indignant at the treatment their countrymen had received, sailed in the *Kamagata Maru* with the expressed intention of spreading revolution in India.

But the affair did not end when the *Kamagata Maru* sailed out of Vancouver harbour. While the boat remained off Vancouver, revolutionary literature of a violent character was shipped and circulated among the passengers. Fortunately, an attempt to smuggle arms on board failed. On July 23 the boat weighed anchor for the return journey. The Indians were in a very bad temper. Many had put all their money in the venture, and had started in the sure belief that the British government would ensure them admission to a land of plenty. A small party that had been turned back the year before had dispatched the following telegram to the Premier of Canada: "We intend to return to India, but we go back with flames in our hearts."<sup>1</sup> The party on board the *Kamagata Maru*, like their predecessors, "returned with flames in their hearts". How far the fire spread is clearly shown in the Report of the Rowlett Commission (India, 1918). The temper of many was not improved when the British authorities along the way refused to allow any of them to land short of Calcutta. Many that had sailed from Hong Kong, Singapore, or other places had not wished to return to India. This made a new grievance, and added to the success of the revolutionary organizers who travelled with them. During the long trying days on ship-board the *Ghadr* agents with a plentiful supply of their most inflammatory literature won practically all of the disheartened Indians to their cause. The men were organized into sections, each of which was to work under a particular leader in a certain section of the Punjab.

The boat entered the Hooghly on September 27, and two days later was moored at Budge-Budge. Many of the passengers refused to enter the special train provided to convey them free of charge to the Punjab. "A large party of Sikhs tried to march on Calcutta, but were forcibly turned back. A riot ensued with loss of life on both sides. Eighteen Sikhs were killed; many were subsequently arrested. Twenty-nine Sikhs, including Gurdit Singh, disappeared."<sup>2</sup> The Budge-Budge riots attracted the

<sup>1</sup> *Indian Immigration Crisis* (Fortnightly Review, March, 1914).

<sup>2</sup> Rowlett Commission Report.

attention of the people of India to the struggle their countrymen were having in their efforts to enter Canada. The Sikhs of the Punjab were inspired to believe that the British government was biased against them. The *Ghadr* revolutionary movement gained an added impetus, and Hardayal's efforts to induce Indians to return from America, to join the mutiny, met with increasing success. The emigrants who had escaped internment soon made themselves felt. Only the vigilance of the police and the lack of arms prevented a serious outbreak in December, 1914. Several violent crimes, such as the robbing of mail-bags, and attempts to derail trains, were committed by the returned men or their adherents. They made repeated efforts to seduce the troops and wherever possible they introduced the literature and the ideas of the *Ghadr* party. Each man became a centre of infection, spreading the germs of revolution with alarming rapidity.

We are forced to the conclusion that a very great deal of the unrest in India and especially in the North of India can be traced in no small part to the treatment Canadians have meted out to the Indians who have knocked at their gates. Great Britain's work in India has been made much more difficult. Indeed, the whole *Kamagata Maru* incident shows very plainly that the refusal to admit Indians to Canada or any other of the dominions is not merely a question between India and the Dominion, but is a three-sided conflict involving the Mother Country also.

Most Canadians regretted that Indians should have been subjected to the discomfort and the loss which the *Kamagata Maru* expedition entailed upon them, and still more that another cause for bitterness of feeling between India and the Dominion should have arisen. Yet the majority felt that the Dominion government and the provincial authorities had done right in refusing them admittance. The principle of exclusion was held to be correct, though many have regretted the ingenious devices that have been made use of and feel that Canada's cause would have lost nothing had more straight-forward methods been adopted. Those who made the laws had not wished to discriminate against any race as such and had taken refuge in the indirect method of demanding that the immigrant should come by a continuous journey on a through ticket. One disadvantage of the policy has been that the Japanese, who under a special agreement had limited the number of their emigrants to four hundred yearly, are in a more favourable position in regard to entering Canada than are British Indians. The position has been cleared

somewhat by the affirmation of the last two Imperial Conferences that every self-governing Dominion enjoys complete control of the composition of its population by means of restriction of immigration from any other country.

The Indian community in British Columbia is steadily diminishing. It is very difficult to get records of the number who have left the country or of those that remain. An approximate estimate by one who works among them places the number now resident in Canada between one thousand and twelve hundred.<sup>1</sup> These are mainly found in the cities and larger towns in the neighbourhood of the lumber and shingle mills. The majority work as loggers or are employed in handling and piling the lumber in the yards. They rarely work inside at the saws. Formerly, not a few Sikhs owned their own mills and made a good deal of money in lumbering; at present at least six are employers of labour in that industry. Some few are engaged in farming and dairying. Others are employed as labourers on Lulu Island. Still others have made their way across the mountains to Alberta, and are hired out on farms near Calgary. They like to return to Vancouver for the winter, and if no permanent job is available there, they go back to the other towns in the spring.

They make good workmen; managers of mills and other employers say nothing against them. They are usually strong, industrious, and sober. On the average they do as much work as the white labourer and certainly more than the Chinaman. Along with the other Orientals they receive from five to seven cents per hour less than the white man engaged in the same labour. They resent this. The Indian workman is not usually a member of a union. Canadian workmen have not troubled much about getting them into their unions except when a strike was impending.

One of their bitterest grievances against Canada was that women were not allowed to enter. This restriction has made home and family life impossible for them. Indians are passionately fond of their children, and as they see the little Japanese playing about in large numbers they must constantly resent the discrimination which separated them from their families. In 1920 a law was passed which allowed a man to bring in his wife and his minor children. On the mainland of British Columbia only a few have availed themselves of this opportunity. The grievance is gone, but the grudge remains.

<sup>1</sup> I am indebted for information as to the present conditions to Dr. W. A. Wilson, formerly of Vancouver.

East Indians in Canada do not live in a way helpful to their uplift or progress. The fault is not entirely theirs. Most of them are crowded into the poorer sections of the cities. They have difficulty in procuring good houses. Property owners are not anxious to rent to them; and, though they are allowed to own land, and many of them bought lots during the "boom" days, they seldom own their houses. Most of them live together in groups of four or six, or even sometimes as many as twenty, in shacks or barrack-like boarding-houses. They employ one of their number as cook, and usually the whole company eats and sleeps in the room where the food is prepared. The married Indians live in small houses with their families, or sometimes two brothers have a sort of joint family, as they so often have in India.

In religion the Sikhs have for the most part remained faithfully orthodox. In several of the larger towns, they have their temples and are regular in their attendance on their religious ceremonies. A few years ago, they made a pact among themselves to resist any attempts to win them to Christianity. They say candidly they think their religion much superior to Christianity as they have seen it applied in Canada.

In Canada they are allowed to purchase property, but they have not been admitted to full citizenship in British Columbia. They have neither the municipal, provincial, nor Dominion franchise. This is another cause of resentment, for they feel that they would make citizens as good as or better than the people of Central Europe.

Their present attitude to the British government is decidedly hostile. They are full of the most bitter antipathy. They express sympathy with their kind in India who, they think, have been very badly treated. They are to the fullest extent in accord with them in their struggle for "Home Rule". In Canada they have been disliked and treated as an inferior race. In trams people will not sit beside them. During strikes in Vancouver, when "jitneys" took the place of the street-cars, Indians were not allowed to ride in them. They are not permitted to attend the picture-show in their native costume. The Indian thinks it disrespectful, not only to himself, but to others to be seen with his head uncovered. Only the lower class of theatres admit them, and then only if in Canadian dress. Being self-respecting people, as they are, they resent this treatment exceedingly. They feel that they have been discriminated against, while the Chinese and the Japanese are received with much more favour.

The present situation of the whole problem is most unsatisfactory. Since their community is so small, and they are already British subjects, having fulfilled the necessary qualifications, should they not be given complete citizenship in Canada? The Imperial Conference of June, 1921, adopted the following resolution:

The Conference while reaffirming the Resolution of the Imperial War Conference of 1917 that each community of the British Commonwealth should enjoy complete control of the composition of its population by means of restriction of immigration from any other countries, recognises that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other part of the Empire. The Conference, accordingly, is of the opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognized.

Canada's representatives at the Conference accepted the resolution, and thereby indicated that there is good prospect of a more satisfactory position for British Indians in Canada in the near future.

The number of British Indians in South Africa far exceeds the number in any other Dominion. Within the Union they are very unequally distributed. In Natal, where most of them live, they far outnumber the white inhabitants. The following table shows the distribution of the race in 1911:

Natal.....	135,000
Transvaal.....	12,000
Cape of Good Hope.....	8,000
Orange Free State.....	100

This inequality of distribution is accounted for by the varied history of each state. The Orange Free State was always opposed to the entrance of Indians, and restricted it by law. When the South African Union was formed in 1909 the existing rights of each state to decide the character of its population as expressed in the laws were definitely guaranteed to it.

The emigration of Indians to Natal began in 1860 under a system of indenture. Labourers were required on tea, coffee, and sugar plantations. Several thousand took advantage of the opportunity of earning higher wages than could be obtained in India. The contracts were for five years, and the labourers were expected to remain in the colony for another five years before

claiming a free passage back to their home. The expectation of those who arranged the terms was that the Indians would re-indenture voluntarily at the end of their first term. The agreement, however, did not expressly state that they were to do so. Accordingly, during the first year when "free Indians", as they were called, were free to choose their employment and manner of life, so many took advantage of the privilege of becoming their own masters that the white settlers became apprehensive of results and stopped further immigration during the period from 1866 to 1874. But planters and other employers were in such need of workmen that the system was once more introduced. It was regulated from time to time by Acts of parliament until in 1891 an Act was passed consolidating the law on the subject. The new law reserved to the Indian the right to choose his employment at the end of his contract.

As more and more Indians finished their term of indenture and became "free" men, they had no difficulty in finding other employment. Evidently as servants, laundrymen, market gardeners, or peddlers, they found more opportunity for earning money and accordingly less inducement to re-indenture with the planters.

In time Indians of another type began to pour into Natal. They were commonly, but incorrectly, called Arabs in South Africa. These men, Mohammedan traders from Bombay, went to open small shops or peddle merchandise to their countrymen in the various settlements on the plantations or mine compounds in Natal. They were "born traders", and their business grew rapidly. Their motto seems to have been "small profits and quick returns". They extended their activities to the natives of Africa, and ere long the European settlers found it convenient and profitable to buy from them rather than from the tradesmen of their own race. Because of their business acumen the Mohammedan traders became much more formidable rivals of the English shopkeeper than the ex-indentured labourer ever became. A great deal of the bitterness and the hostility which white colonists showed towards the coloured invaders was due to the economic jealousy which they aroused. As they and the free Indians increased in numbers, the industrial pressure which they created began to be felt acutely. Soon a strong party representing the industrial middle class and the white labourers, who were feeling the competition of the Indians, sprang up to oppose the interests of the employers who, as planters, mine-owners, and contractors,

were anxious for plenty of cheap labour. This party began to insist that something should be done to induce the Indian to return home after the expiration of his contract. Because of the small European and the large coloured population made up of "kafirs" and Indians, and because of the danger that Natal might *de facto* become an Indian colony, if the tide of immigration was not stopped, the situation was viewed as serious.

Early in the century deputations visited India with the expressed object of changing the conditions of indenture, so that the Indian coolies would be forced to return home on the completion of their contracts. A verbal agreement between the government of India and the deputations was made to the effect that a condition might be inserted in the indenture requiring the Indians to agree to return home at the end of their term, so long as it would not be made an offence to fail to keep the condition.

Previous to this the Natal Legislative Council passed a law which is commonly known as Act 17 of 1895. It amended the Indian Immigration Act of 1891 in several important respects:

- (a) It altered the length of the second and succeeding terms of indenture to two instead of five years.
- (b) The wages were to be sixteen shillings per month for the first year, seventeen shillings per month for the second year, eighteen for the third, nineteen for the fourth, and twenty for the fifth and each succeeding year.
- (c) Indians who wished to return to India were granted free passage after the first term or any succeeding term of service.
- (d) Section 6 said: "Every indentured Indian who shall have entered into the covenant set out in Section 2 of this Act, and who shall fail, neglect or refuse to return to India or to become re-indentured in Natal shall take out year by year a pass or licence to remain in the colony to be issued by the Magistrate of the district, and shall pay for such pass or licence a yearly sum of three pounds sterling, which may be recovered by summary process by any Clerk of the Peace or other officer appointed to get in such licence money." This section, which provided a new condition under which the ex-indentured labourer might remain in Natal, was to have far-reaching effects and provide a constant irritant to Indian feelings.

The government of India accepted the Act without protest, and the new conditions were inserted into the printed agree-

ments. Efforts were made to have all coolies understand to what they were committing themselves to before they sailed for Natal.

Even the new arrangement failed to induce them to return home. Not until 1901 had any coolies under the altered indenture finished their agreement. Once freed, most of them preferred to pay the three pound tax and remain in the colony; others not wishing to pay, or not having the money (the tax was large in comparison to the wages they had been earning), evaded the law in some way or other. The community continued to increase. Natal, unlike Canada, had encouraged women to take out indentures and had permitted Indian men to bring in their wives and minor children. In 1903 another Act was passed to amend Act 17 of 1895 and make the liability to take out a licence fall on women and the children of Indian immigrants. From this time boys over sixteen and girls over thirteen years of age had to pay the yearly tax. Obviously trading and farming offered such alluring inducements to the Indian that the last thing which he wished to do was to re-indenture. He disliked the tax very much, and being naturally rather cunning, it is perhaps not surprising that he made many attempts to evade it. The Natal government found it exceedingly difficult to collect the money. They tried to prohibit any person from employing an Indian who could not show a licence paper. If any did employ such an Indian, the employer was denied the right by law to enforce the contract should the Indian fail to keep his part of the agreement. Before a hawker's licence was issued to an Indian in certain parts of the country he had first to show that he had paid his yearly tax. That women had to pay for the licence was considered an especial grievance. Finally, in 1910, it was provided by law that a woman "suffering from ill-health, old age or other just cause" was exempt from paying the money. In time it became the practice of the authorities to let the tax lapse in the case of women. Of course liability to take out a licence only applied to the Indians who had entered the colony as indentured labourers after 1895—a community that numbered only 10,800 in 1914.<sup>1</sup> The Indians already domiciled in Natal before that year stood in a much more favourable position. The Indian Enquiry Commission reported in 1914 that only a third of the number actually paid the tax, and that fewer and fewer were paying each year. They blamed

<sup>1</sup> Report of the Indian Enquiry Commission, 1914.

the tax for aggravating vagrancy, as many Indians kept moving about to evade payment.

Even before the Union of South Africa was formed Indians had become very numerous in Natal. Many of them were wealthy and carried on extensive business operations in various parts of the country. Certain quarters of the larger cities, as for instance Durban, had taken on a decidedly Oriental appearance. Indians had the municipal franchise and the unrestricted right to own land and carry on trade wherever they chose. An Act of 1903 was passed to restrict by an educational test all immigrants who did not come under indenture. In spite of the test, which required all immigrants to know a European language, there was a steady increase in the numbers of those seeking admittance. Indians continued to enter until the Immigration Act of 1911 debarred all but twelve educated Indians yearly and the wives and minor children of domiciled Indians.

Up to the year 1881 the Transvaal was entirely free from Indians, but from that time until the outbreak of the South African War their numbers steadily increased. They entered as traders or hawkers, opened small shops in the towns, and peddled their wares even in remote country districts. The Dutch settlers, though they bought their goods, paid little attention to them. It was the English trading community, who had entered the Transvaal previous to the Indians, that first felt their competition and strove to exclude them. By the Convention of London (1884), the Republic of the Transvaal was forbidden to exclude any aliens whatsoever. Largely through the influence of the Chamber of Commerce of Pretoria, the members of which were mostly British, the Volksraad passed a law (no. 3 of 1885) which very much restricted the Indians in their trading operations. The law enacted:

- (a) that Indians were incapable of obtaining the franchise;
- (b) that they were to register themselves, and pay an annual tax of twenty-five pounds sterling;
- (c) that they must live only in certain restricted areas or townships specially assigned to them;
- (d) that they could not become the owners of fixed property.

The tax was later reduced to three pounds, and they were allowed to own property within the townships set apart for their residence. At the time the law was passed, the British traders had not been given the right to vote, and by a strange irony they sought to debar the Indians from any possibility of obtaining the franchise.

Whenever Kruger's government placed restrictions upon the Indians, they appealed to the Colonial Office to see that justice was done to Her Majesty's Indian subjects. Repeated pressure from London procured more than a measure of tolerance for the immigrants. Some of the conditions which Great Britain secured for her Indian subjects at that time were to recoil upon her own head when, after the war, she took over the Transvaal. When in 1904 the governor of the Transvaal submitted a proposal for stricter segregation of the Indian community to the Home Office, Mr. Alfred Littleton, in rejecting the proposal, said:

His Majesty's Government holds that it is derogatory to the national honour to impose on resident British subjects disabilities against which we remonstrated and to which even the law of the late South Africa Republic, rightly interpreted, did not subject them. We do not doubt that when this is perceived the public opinion of the colony will not any longer support the demand which has been put forward.

The Indians who registered under the law of 1885 in the days of the Boer Republic were given receipts which unfortunately bore neither name nor identification marks to show exactly to whom they belonged. On the outbreak of war in South Africa the Indians fled from the Transvaal, but began to return when the British occupied Pretoria. The British military authorities issued permits to all Indians who could show that they had formerly been resident in the Republic. But the absence of all records and the indefinite character of the receipts for registration presented by the Indians made it exceedingly difficult to determine who were refugees. There is little doubt that many received permits to which they were not entitled.

From the year 1903, a great many Indians left Natal for the Transvaal and soon they began to complain that the restrictive laws were more harshly enforced under British rule than they had ever been under the Boer government. They claimed that their grievances against the Republic had been one cause of the war, and yet when the territory became British the position of Indians was less tolerable than before. On sanitary grounds the English insisted on the Indians keeping strictly to their own quarters. Educated Indians who had adopted a higher standard of living than most of their countrymen resented the necessity of having to conform to the law. Inability to purchase land and thus obtain good business sites in the best quarters of the towns very much handicapped them in their efforts to trade. The Boer

government had allowed them to evade the law by taking out a lease in the name of a friendly European trustee who stood as the nominal owner, while the Indian, the virtual owner, protected himself from the possible intestacy or insolvency of his trustee by a mortgage to the full value of the property. Later the Indians found another method of evading this provision of the law (No. 3 of 1885), which still remained in force. They formed limited liability companies of which the members were all Indians. To these companies, registered under the Transvaal Company Act, they transferred their "fixed" property. After the Act of Union this form of evasion became more and more popular until legislation in 1919 was passed to extend the Act of 1885 to prevent Indians from holding property in the name of a company.

During the first decade of the century there was a good deal of labour trouble in the Transvaal, and the growing dissatisfaction of the Indians contributed greatly to the general unrest. An attempt to restrict further immigration of Asiatics began in 1906 by the passing of an ordinance requiring Indians to submit "voluntarily" to finger-print registration. The Indians resented this new imposition, and sent a deputation to England to lay their case before the colonial secretary. Pressure was brought to bear on the Transvaal government, and the odious ordinance was not enforced. Anti-Asiatic feeling was, however, so strong that the following year a law to much the same effect was passed, and further legislation in 1907 and 1908 witnessed to the growing hostility toward the Indians.

In all laws relating to mines in the Transvaal, the right of acquiring mining titles or privileges incidental thereto had been expressly withheld from persons who did not belong entirely to the European races. The Gold Law of 1908 provided that prospecting permits, prospecting and digging licences, stand licences and other privileges were to be given to white persons only. Section 133 of the Act ran: "No coloured person may be a licence holder or in any way connected with the workings of the diggings, but shall be allowed only as a workman in the service of the whites." At the same time the law provided that no right or privilege which a coloured person had already secured would be taken away from him. There seems to have been some confusion as to the meaning of the Act, for later Indians who had been occupying business stands in places found themselves threatened with eviction.

Added to the disabilities imposed by law the Indians suffered

from a number of petty annoyances. When they rode on the trams, they were expected to use the "nigger" cars set apart for the natives of Africa. They were denied the use of foot-paths. The low-caste Hindu would not resent such treatment, but the educated Hindu of high caste, accustomed to believe his kind the very peak of perfection in the human race, was touched in his most sensitive part. All about him were evidences that he was looked down upon as belonging to an inferior race. The repeated protests against such treatment became a part of the long and patient struggle for equality, which has now been carried on for many years.

Early in the century Mr. M. K. Gandhi, an Indian lawyer who has since become famous as the leader of the Indian "swaraj" movement, espoused the cause of his countrymen. In his hands the Indian position became consolidated, and the whole problem took on a political aspect which it has not since lost. For years he carried on a voluminous correspondence with the Colonial Office setting forth the grievances of the Indians in South Africa, and kept the English public informed of the Indian point of view.

At Mr. Gandhi's suggestion the Indians adopted a plan of "passive resistance" against what, they believed, were unjust exactions imposed upon them. Passive resistance to oppression was an idea inherent in Hindu philosophy. It meant self-suffering and aimed, not at punishing the oppressors, but rather at inducing them to recognize the error of their way by seeing how desperately in earnest the Indians were in believing their cause just and insisting on equitable treatment. Having adopted this method to attain their ends, they continued to make use of it at intervals during the following eight years. Mr. Gandhi, philosopher, dreamer, saint, as he has often been called, employed the idea with stubborn fortitude during the years 1907 and 1908. His influence among the Indians of South Africa, who recognized the purity and disinterestedness of his motives, was immense. Hundreds of Indians, many of them the educated and well-to-do, accepted his leadership and chose imprisonment and suffering again and again for the sake of their cause. Laws, the infringement of which imposed suffering on none but themselves, were deliberately broken or evaded. Naturally they were fined or imprisoned for their misdemeanours. They always refused to pay the fines, and many had scarcely served one term when they were once more in custody. After repeated law-breaking, not a few were put on board ship and forcibly repatriated. The pub-

lished correspondence between the Colonial Office and the government of the Transvaal<sup>1</sup> shows to what length the Indians carried their passive resistance. While in jail they had to submit to eating the prison fare which consisted mainly of "mealie" or corn mush. Such a diet might have been relished by the Kafirs, but in India it is only eaten by the aboriginal tribes such as the Bhils. For months the prisoners got no "ghi" or butter, which forms a very important part of an Indian dietary. Frequently the Indians were put in the cells used for Kafirs and Chinamen. At one time Mr. Ghandhi's son, along with another Indian, shared a cell with some Chinamen and was forced to drink from the same water-pail. A greater indignity could not have been placed upon a high-caste Hindu. Mr. Gandhi was imprisoned several times, and walked to court through the streets of Pretoria with handcuffs on his wrists. Other Indians complained that they were forced to do the most menial tasks, such as to empty slop-pails, while they were in prison. The Mohammedan "passive resisters" had difficulty in observing all their religious rites while in jail. During the month of Ramzan it is their custom to fast all day and eat only before sunrise and after sunset. No provision for the observance of this very strict requirement of their religion was granted them while under sentence. In Indian jails care is taken to make special provision to allow Indians to observe unmolested the common practices of their religion. The government of India and the colonial secretary during those trying days kept cabling the governor of the Transvaal asking that the government would arrange to meet the religious requirements of the prisoners, but the ministers remained obdurate.

Finally a verbal agreement between the Transvaal cabinet and Mr. Gokale, a prominent leader from India who had gone to the Transvaal to mediate, promised a satisfactory solution of the difficulties. It was agreed that legislation should be passed during the next session. It was

- (a) to repeal the obnoxious Act of 1907 which made Indians register their thumb impressions;
- (b) to remove the racial bar in any future legislation;
- (c) to retain all existing rights of the Indians; and
- (d) to grant an amnesty to "passive resisters".

The Indians, who agreed to give up further passive resistance, were hopeful that an equitable settlement of their difficulties had been reached.

<sup>1</sup> See Cd. 6087.

Delay followed delay, however, and the promised legislation was not passed for several years. When it was effected, the Indians felt that the government had not kept its promises, because the racial bar was not removed, neither were existing rights maintained. As this occurred after the Union, reference will be made to it later.

From the correspondence,<sup>1</sup> it is apparent that the cleavage between the two communities of the Transvaal was steadily widening. The determination of the white settlers, Dutch and British alike, seems to have steadily strengthened, and the agitation which the Indians carried on, while it won for them slight concessions here and there, in the end riveted their chains more strongly.

From earliest days the people of the Orange Free State were opposed to admitting the Indians under any conditions. The London Convention did not apply to them, so they were able to put up the barriers. Their opposition was based in the main on racial grounds. They were themselves few in number and they feared to admit an alien element which they did not wish to assimilate and by which they might be swamped. Being near to Natal where the Indians already outnumbered the whites, the Orange Free State prohibited them so strictly that in 1911 there were only 100 Indians in the whole province. It has a law which provides that no Indian shall be allowed to have immovable property registered in his name or to carry on trading or farming operations in the state.<sup>2</sup> Every Indian before being permitted to settle there, must make a sworn declaration before a magistrate that he will not engage in either trading or farming.

The Cape Colony, protected by its colder climate and by the fact that it did not offer as good industrial or commercial opportunities as the other states, was less involved in the problem of Indian immigration than either Natal or the Transvaal. The following figures taken from the *Official Year Book of the Union of South Africa*, 1921, shows a decline in the Indian population before 1911.

Asiatic Population in Cape Colony

Year	Male	Female
1891.....	1,305	395
1904.....	9,316	926
1911.....	6,605	1,085

<sup>1</sup> See State papers, Cd. 6087, 6283, 6940, 7111.

<sup>2</sup> *Orange Free State Book*, Chap. 33, Sections 7 and 8.

A restrictive law of 1902 imposing an educational test on all immigrants was superseded by a more stringent one in 1906. It requires that a person shall have sufficient education to be able "to write out and sign in the characters of any European language an application to the satisfaction of the Minister". As a result of this law fewer Indians sought admittance. Colonial-born Indians seem to have had the privilege of entering the Colony from time to time, and by 1914 about one-third of the Indians in the state had been born in some part of South Africa. Later, under the Union Immigration Act of 1913, when the previously enjoyed right of Colonial-born Indians to enter the Cape was restricted by making it necessary for them to pass the educational test like any other would-be immigrant, this change was cited as an example of a failure to protect rights already enjoyed by Indians. Since, however, all children born in the Union were supposed to pass through the state schools the test could not have restricted many. The few Indians who in the early days of the Colony had secured trading licences had no difficulty in getting them renewed, but the strict administration of the regulations during the last fifteen years has made it almost impossible for Indians who did not already hold licences to obtain them.

Not immediately after the Union of South Africa was arranged, was an attempt made to clear up the difficulties by legislation. The Immigrants' Regulation Act of 1913, while superseding the immigration laws of the various provinces, tried to preserve to each the position it had already attained in relation to the exclusion or admission of Indians. The new immigration law was to be administered by boards in various localities throughout the Union and, following the example of the Canadian laws on the same subject, it deprived the immigrant of any right to appeal to the courts if his right to enter was denied. He could appeal from the decision of an immigration officer to the board, but its ruling was final. The law forbade the future immigration to the Union of adult male Asiatics, *i.e.*, those over sixteen years of age, with the exception of twelve educated Indians who might be admitted each year. A man was allowed to bring in one wife and his minor children, but later much difficulty arose over the interpretation of this clause. The Act left the three pounds licence tax unaltered in spite of the fact that the Indians and their leader, Mr. Gandhi, said that the government had given a promise to repeal it. On the other hand, General Smuts said

that he had not made such a promise, but had only agreed to have the cabinet consider the matter.

Naturally the Indians were not pleased with the Act, since it conceded much less than they had hoped for. They were dissatisfied with it in several particulars, but their two main objections were in reference to the tax and to the admission and status of Indian women married in accordance with the rites of their respective religions.<sup>1</sup> Mr. Gandhi had a long discussion in several letters with the ministers on these topics, and on not receiving satisfactory assurances he deliberately took steps to induce the Indians to resume passive resistance and go out on strike in the coal mines.

Although some of the Indians had been paying the tax for many years, and their feelings were much aggravated at its continuance, this was the first time that they had given it a special place as a grievance against which they were determined to resist to the utmost. There can be little doubt that as a recruiting agency for the passive resistance movement, it made a stronger appeal to the Indians than did any abstract claim to equality. False reports spread in that mysterious way known only in Indian communities. The Indians believed that "the big rajah was coming to South Africa and was going to pay them 3£ a month provided that they did not work", or "that he would cut off the heads of those who did work".

Whatever were the influences hundreds of Indians responded to Mr. Gandhi's call to join with him in a great protest against the law. The movement began in October, and in a few weeks had spread until practically the whole coal area of Natal was affected. A large body of Indians, men, women, and children, to the number of two thousand two hundred collected with the deliberate and avowed object of breaking the law. The Immigrants' Act forbade them to go from one state to another. They prepared to start on a pilgrimage across the border into the Transvaal. They courted arrest and imprisonment, and did not expect to be allowed to proceed far on their journey. A straggling army of most unwarlike appearance, they marched along the road in groups. Their baggage was scant, and their rations of the simplest. Many of the women carried small babies. Cheered by Mr. Gandhi's eloquent words of encouragement they moved slowly onward day by day. "Through the historic defile of

<sup>1</sup> Imperial Blue Book, Cd. 71111.

Laing's Nek, the great procession passed, past Majuba, over the Transvaal border", until it arrived at Volksrust on November 5. There the authorities arrested Mr. Gandhi, but immediately released him on bail and allowed him to go back to his followers. During the next few days, as the band moved wearily on, he was arrested two or three times. Finally he was sentenced to nine months' imprisonment. The arrest of the other leaders, Messrs Polak and Kellenback, followed, and the procession was stopped on its march to Pretoria. Special trains conveyed two thousand of the wanderers back to the scene of their labour.

In several places strikes were spreading. Work on the sugar and other plantations was at a standstill. Under Natal law it was a criminal offence to strike, and the Indians by doing so were liable to arrest and punishment. Arrests led to violence. Conflicts with the police occurred at Mount Edgecombe and at Esperanza on the sugar plantations. Finally the government of South Africa promised that a commission of enquiry would be appointed to look into the cause of the disturbances and to make recommendations. That helped to allay the trouble, and by the end of the first week in December the strikers had resumed work.

Rumours of the disturbances in South Africa reached India, and along with them were tales of flogging, outrage, and even murder in connection with the suppression of the strikes. Intense feeling was aroused throughout India. At meetings in Bombay and Madras resolutions of sympathy, calling for an investigation, were passed. The agitation spread and only a remarkable speech by Lord Hardinge, then viceroy of India, calmed the feeling by allying the Indian government with the popular cause. In effect he said, "The Indians in South Africa are using passive resistance against laws, which they consider invidious and unjust and in this opinion, we, watching their struggles from afar, cannot but share. They have violated laws in full knowledge of the penalties involved, being ready with courage and patience to endure the penalties. In all this they have the deep burning sympathy of Indians and Indian sympathizers like myself. It seems to me that the Union Government has not exercised very wise discretion in the steps adopted to restore order."

Lord Hardinge's speech was severely criticized in England and South Africa as infringing the tradition that makes Whitehall the sole channel of complaint or suggestion between the various governments of the Empire. The premier of South Africa said

that there was no truth in the accusations of undue severity in repelling the disturbances, and he promised to investigate any *prima facie* case brought to the notice of the Union government. The government proceeded to appoint the judicial commission to enquire into the disturbances, the cause, and the circumstances which led to the strike, the amount of force used in the suppression of the disturbances, and further to make recommendations with respect to any of these matters.

The Indians in South Africa were dissatisfied with the personnel of the commission. Sir William Soloman, an eminent judge, was made chairman, and of his impartiality they had no doubt. But as they claimed that the other two members were known to be biased against the Indian cause, Mr. Gandhi asked that two Indians, representing the strikers from the coal mines and the sugar plantations, should be added to the number of the commissioners. On his request being refused, the Indian leader said that he reserved to himself the "right to accept or refuse the findings of the Commission if they did not support the Indian demands on general questions of policy".

The leaders of the strike were released from jail in order that they might testify before the commission, but, denied their representatives and distrusting the partisan action of the majority of the commissioners, the Indians refused to appear. This made the work of the commission very much more difficult. The commission showed quite clearly that there had been faults on both sides. With regard to the three pounds licence tax, they reported that it had failed to effect the purpose for which it had been intended, it was "unequal in incidence and futile for fiscal purposes", and should therefore be repealed. The question of the status of the wives of Indians, they found more difficult. The Immigrants' Act of 1913 had intended that one wife of an Indian, even if married under polygamous rites, might enter the country, but the courts had interpreted it otherwise. They practically refused all recognition of Indian marriages. In explanation of their position, they had said:

Under the words lawful and monogamous marriage are included only such marriages as are recognised as valid in South Africa as well as in England, that is to say 'the voluntary union of one man with one woman to the exclusion while it lasts of all others' and that consequently the marriage of a man with one woman under a system that recognises the right of the husband to marry another woman was in law not monogamous but polygamous.

The commission, in making their recommendations, said:

Some provision should be made by legislation for legalizing what are called *de facto* monogamous marriages, that is to say the marriage of one man with one woman under a system which recognizes the right of the husband to take one or more wives. Such marriages are the rule amongst Indians of all denominations. It is the rare exception for an Indian to have more than one wife. It is more often among the Mussulmans that that number is exceeded, but even with them it is a matter of only occasional occurrence. And in all cases where a man is married to only one woman we can see no objection to legislation validating such marriages from the date when they were contracted, on *certain conditions*.

The conditions were that such marriages should be registered before a marriage officer, whether a priest, a resident magistrate, or an official specially appointed for that purpose, and that by registration such marriages became monogamous in law as well as in fact. One result of this would be that thereafter the husband could not enter into any relations with another woman which should be recognized by law.

Previous to the meeting of the commission, Mr. Gandhi in speaking for the Hindus, had said that they would be satisfied if only *de facto* monogamous marriages were recognized. The indentured Indians had in practice already accepted this. The Mohammedan section of the community expressed themselves as satisfied with nothing less than the legal recognition of polygamy. They said that they would object to registration of a *de facto* monogamous marriage if the husband was thereby limited to one wife, for in doing so they claimed that they would be false to their religion which allowed them the privilege of marrying four. For the same reason they objected to become subject to the English law of divorce. However, the commission did not see fit to go the whole length desired by them. Yet they inserted one passage in their Report which is evidently a concession to the Mohammedans. They said that if the husband desired to go through a form of marriage with another woman before a priest who is not a marriage officer in the eyes of the law, the commission saw no reason why this should be prohibited, but the relation would be irregular and could confer no rights on the woman and her offspring.

The main suggestions made by the commission were embodied in the Indian Relief Act of the following year, and peace and harmony between the two races seemed once more restored. Before

leaving for wider fields of activity in India, Mr. Gandhi thanked the ministers for the generous spirit they had applied to the treatment of the problem, but he gave no assurance that the Indians in South Africa would cease to agitate until they should enjoy full rights of residence, trade, and ownership of land in the Union.

After the Smuts-Gandhi agreement of 1914—as the above-mentioned compromise is called—the government of South Africa seemed inclined to leave the Indian question in abeyance during the period of the war. But during that time the Indian leaders became more active. The share their countrymen took in the Great War and the generous appreciation of that service by the British peoples, increased the confidence of the Indians. As has already been said they began, in growing numbers, to evade Law 3 of 1885. That law provided that no Indian could own fixed property in the Transvaal outside of the townships allotted for their residence. The custom arose of forming limited liability companies, and of taking out leases for property for business purposes in the name of the company. The number of these companies increased from three in 1913 to three hundred and seventy in 1919. The government continued to issue new trade licences, and did not interfere with the acquisition of property in the name of private companies.

Early in 1919, however, the war being concluded, the municipality of Krugersdorp attempted to arrest the encroachments of Asiatics by obtaining an interdict from the Supreme Court of Pretoria restraining Messrs T. W. Beckett and Company from permitting the residence of certain Indians on a stand in Krugersdorp. The stand had been leased by the firm to an Indian tailor, and was at that time occupied by him and several other Indians. The Indian community on the Rand was in such consternation at the action of the municipality that they sent a petition for relief to parliament. The petition was referred to a select committee of the House of Assembly, who were to inquire into the disabilities of which the Indians complained. The minister of the Interior proposed that the committee should at the same time take evidence and report on the “alleged evasion by Asiatics of Law 3 of 1885, by means of forming themselves into limited liability companies”.

A bill based on the findings of the select committee was passed by the legislature as Act 37 of 1919. This law, commonly known as the Asiatic Trading and Land Act, protected individual

rights actually acquired before May 1, 1919, but at the same time it deprived Transvaal Indians as a community and also Indians born in South Africa of those privileges of which, although contrary to the law, they had made use. These were (a) obtaining a new licence to trade in proclaimed mining areas, (b) acquiring immovable property throughout the province by limited liability companies in which Indians had the controlling interests, (c) becoming mortgagees in respect to properties acquired by Indians and registered in the names of European trustees.

Thus, in response to their petition for relief, the Indians had fresh disabilities placed upon them. Their alarm was further increased when the acting prime minister of the Union in the course of the debate announced the intention of the government to appoint a commission to inquire into the position of Asiatics throughout the Union. The Indians began to fear a movement on the part of the anti-Asiatic elements to induce the government to legislate further against them. They appealed to the Imperial and to the Indian governments. The secretary of state for India said, "This is not a domestic, but an Imperial enquiry," and asked that an official and a non-official Indian representative be selected by the government of India to watch over Indian interests. Sir Benjamin Robertson, who had appeared before the Indian Enquiry Commission of 1914 in the same capacity, was once more sent to South Africa to be present at the renewed investigation.

The commission, composed of Messrs John H. Lange, chairman, J. S. Wylie, also one of the commissioners in 1914, H. J. Hofmeyr, and W. D. Baxter, visited various towns throughout the Union, heard deputations representing fifty-six public bodies, and questioned large numbers of Europeans and Indians. They were appointed to enquire into and report on the provisions of the law affecting

- (a) the acquisition of lands and rights affecting land in the Union by Asiatics and persons of Asiatic descent;
- (b) the trading or carrying on of business by such persons generally or in specified localities.

In general, the findings of the commission seem to be fair and moderate. In proof of this is the fact that the report pleased neither the Indians nor the extremists of the anti-Indian party. Its main recommendations were

- (a) that Law 3 of 1885, the Gold Law of the Transvaal (38 of 1908) and Act 37 of 1919 should not be repealed;

- (b) that Indians should be encouraged to repatriate themselves voluntarily;
- (c) that there should be no compulsory segregation of Asiatics, but that under a system of voluntary segregation Indians were to be encouraged to occupy residential areas laid out for them by the municipalities, existing licence-holders were to be gradually attracted to certain streets or wards by themselves, and these areas were to be selected and allocated by an impartial committee consulting with the municipality and the Asiatic community;
- (d) that Indians in Natal, in acquiring land outside of their own townships should be confined to the coastal belt, a strip extending inland for, say, twenty or thirty miles;
- (e) that there should be a uniform licence law for both Indian and European traders;
- (f) that a responsible officer should be appointed as a commissioner of Asiatics.

The commissioners discouraged any thought of sending Colonial-born Indians to India, not only because of the obvious injustice of such an act, but because South African industries required their work. While urging that more active steps should be taken to deal with prohibited immigrants who had gained ingress to the Union or the various provinces, the commission deprecated the fear that in recent years there had been a large increase in the number of Indians in the Transvaal. The commission did not have recent census figures to aid them, but they concluded that the number of Indians who had succeeded in entering the Union was entirely negligible and that the white settlers who feared the increasing activities of the Indians might be reassured.

The 1921 census returns bear out the opinion of the commission.<sup>1</sup> In the Transvaal the number of Asiatics has increased by only 21 per cent. in ten years, while the Europeans have increased by 29 per cent. in the same time. Owing to the Indian Relief Act of 1914, some increase of women and children was to be expected. The Natal figures are even more reassuring from the white point of view. The European population has increased by 40 per cent. and the Asiatic by only 5½ per cent. The excess of Asiatics over European has been reduced from 36 per cent. in 1911 to less than three per cent. in 1921.

During recent months the situation in South Africa has not

<sup>1</sup> *British Indians in South Africa* (Round Table, March, 1922).

altered materially. No attempt has yet been made to give expression to the recommendations of the commission by legislation. The Nationalists have shown a tendency to combine with the more extreme of the anti-Asiatic party in the Assembly, and it is not impossible, should the government introduce legislation to give effect to the comparatively mild recommendations of the commission, that the Act might be very drastically amended. Anti-Asiatic feeling is still demanding restrictive measures. A recent attempt to deprive the Indians of the municipal franchise in Natal—a right which they have had for many years in that state—was only thwarted by the veto. General Smuts's policy seems to be to induce the Indians to leave South Africa and return to India, and to encourage white settlers to take their place.

In review, it might be pointed out that the conditions under which the Indians live in the various states of the Union are far from uniform. In the Orange Free State, they are not allowed to carry on business, hold fixed property, or exercise the franchise. In the Cape Colony, they not only have the franchise, both municipal and provincial, but they may own property and engage in trade. In Natal, they have the municipal franchise and unrestricted rights to own land and engage in trade. The recommendation of the commission to restrict their ownership of land to the coastal belt will, if given effect to, alter this. In the Transvaal, the ownership of land or other fixed property outside of certain specified localities is prohibited. Trading is also restricted, and Indians do not possess the franchise.

In concluding, certain features of the problem which have emerged during sixty years of struggle might be pointed out. Preëminent among them is the great change in the attitude of the Indians to the whole problem. In the beginning, the Indians were mere suppliants for an element of toleration from the whites, whose superiority they seem to have recognized at first. There has developed a consciousness of their rights as men, and later as British subjects, to a fair share in the privileges enjoyed by the white settlers. Their attitude has taken a decidedly political bias. Finally, there has been exhibited a tendency on the part of the more extreme in their community to go the length of appealing even to the League of Nations. The general stiffening of the attitude of the European settlers in the face of the aggressions of the Indians is quite as marked. Sir Arthur Lawley, lieutenant-governor of the Transvaal, wrote early in the century,

"Under the old Constitution the line was distinctly drawn between coloured and white. In the eyes of the law they are equal, but there is not one in a hundred who would agree to recognize the coloured man as capable of admission to the same social standard as the white." About the same time, Lord Milner wrote, "To place the two people on an equality in South Africa is wholly impracticable and in principle wrong. But I also hold that when a coloured man possesses a certain high grade of civilization, he ought to obtain what I may call white privileges irrespective of colour. Such views are unpopular in the Transvaal, but I do not despair of their ultimately prevailing." Trade jealousy has been blamed for the growing opposition to the Indians during recent years, and evidence goes to show that it was present in many cases. Yet behind and beyond that, the real cause seems to be a deep-seated feeling that the white races are struggling for their existence. People who do not compete with them in trade testify that they consider the Indians undesirable in South Africa. No great unfitness or unworthiness is proved against them. Indeed, before the commissions witnesses testified to the fact that they were industrious, reliable, inoffensive workmen. The success of certain industries in Natal, as for instance the sugar and wattle industries, was attributed to the efforts of Indian labour. But in spite of all this, the South African people appear to be more and more determined to restrict them, with the hope that they will be induced to return to India.

The problem has not yet been permanently solved in South Africa, and the struggle is far from over. Yet in general the Indians would seem to be losing their cause in that part of the Empire. With the exceptions enumerated, all Indian immigration is debarred. A few thousand have already voluntarily returned home. Almost half of the Indian community in the Union are Colonial-born, and it cannot be imagined that they are ever likely to be sent to India, or that complete citizenship can be permanently withheld from them. It is true that the South African representative to the Imperial Conference in June, 1921, refused to sign the memorandum referring to Indians. In view of the state of public opinion in his own Dominion, he could scarcely agree that the time for removing all political disabilities from Indians domiciled in the self-governing Dominions had come. Natal has many of the characteristics of an Indian state. The Europeans are still outnumbered by the Indians. Only a large influx of Europeans can change the situation for many

years to come. Whatever the future has in store for the Indian cause in South Africa, under existing circumstances there are likely to be more rather than less restrictions put upon British Indians.

Checked and discouraged in gaining equality for their race in South Africa, the Indians have turned to Kenya, whither the heat of the contest between the white and coloured races has at present shifted. British East Africa, as Kenya was called until a few years ago, is a country of about two hundred and forty thousand square miles lying across the equator on the east coast of Central Africa. In the coastal region and the western section lying along the lakes the temperature is very warm and exceedingly trying to Europeans, and there malaria and other tropical diseases abound. Not many miles from the sea the elevation of the country increases rapidly, and reaches a tableland four thousand or more feet above sea level. On these beautiful uplands is found a climate which is the most perfect expression of all that is meant by the word temperate. Nairobi, the capital, is beautifully situated on the highlands at an elevation of five thousand five hundred feet. The moderate climate and the comparative freedom from disease make the plateau eminently fitted to be the permanent home of many white settlers.

Since it came under British direction, the colony has passed through several phases of government. For a few years it was administered by the British East Africa Company, which received its charter in 1888. Seven years later it became a protectorate. A few months ago it reached the status of a crown colony, and its name was changed to Kenya.

Years before Great Britain assumed the protectorate, the district had been subject to Asiatic domination. Indeed, along the coast there are traces of Arabic civilization going back three thousand years. The stalwart Swahili race found along the outer margin of the land is a result of a mixture of Arabs or Indians with the native negro tribes. Its language is in some respects similar to Hindustani. In the eighties, it was commonly said that Kenya and Uganda would be colonies for the surplus population of India, and accordingly they were long considered "an America for the Indians". Indians as traders had penetrated the country for many years. Many of them had gone as clerks in subordinate posts in the administration of the British East Africa Company. When the construction of the Uganda railway was begun in 1892, coolies were brought from India to help in

the work. Other Indians manned it, and up to the present day, with the exception of the few higher posts, they still operate it. As the country opened up, more and more Indians found it a good field for enterprise. In time they superseded the Arabs and the Swahili in their positions; they penetrated to the innermost part of the country, and soon had the whole retail trade in their own hands. The extent of the Indian immigration may be seen from the following table:<sup>1</sup>

	European	Asiatic	Native
Uganda.....	809	3,548	2,950,504
Kenya .....	9,650	35,974	2,600,000
Tanganyika.....	1,300	13,600	4,000,000
Zanzibar and Pemba.....	253		152,000

The opinion of the imperial government in regard to the position of Indians in Kenya was expressed by the secretary of state for India, in 1914: "There is no justification in a Crown Colony or a Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects." In June, 1919, Lord Chelmsford said, "This is and always will be the position of the Government of India." The following year Lord Milner said in the House of Lords: "In East Africa as in other countries under the administration of the Colonial Office, it has been the avowed principle and it is the definite intention of the British authorities to mete out even-handed justice between the different races inhabiting those territories."

Although this may have been the avowed policy, it seems not always to have been kept in view. In 1908 Lord Elgin, the governor of East Africa, decided that grants of land in the uplands should not be made to Indians, and he gave effect to this decision in his administration. The very year in which Lord Milner spoke of even-handed justice in the House of Lords, the governor of East Africa, in reply to a deputation from the Nairobi Indian Association, said, "The principle has been accepted at home that this country, British East Africa, was primarily for European development, and whereas the interests of Indians will not be lost sight of, in all respects the Europeans must predominate."

Since the war a scheme for settling British soldiers on the Gishu plateau in the rich district of Uasin has been carried out,

<sup>1</sup> *Report of Trade and Commerce Prospects of East Africa*, June, 1921.

and when some readjustment of grants has been completed, there will be no really good land left in the uplands for allotments. At present there are several thousand more Indian than white settlers in the colony, and during the war a good many of the Indians developed a reputation for political intrigue. Recent events have made them apprehensive lest they should lose the privileges which they already enjoy. The European colonists recently passed resolutions that the presence of the Indians was antagonistic to the best interests of the African natives, and urged a policy of restriction. The Colonial Office hastened to say that the resolutions could not be considered as representing the views of the Imperial government or of the government of East Africa. The resident Indian population, who have been long established in Kenya and own substantial interests, are naturally resentful. They have sent a deputation to the government of India to make clear to the authorities the difficulties of their position. The government of India have taken up their cause and have asked, not only that certain disabilities be removed from the Indian community, but that they be given a fair share in the administration of the country. The viceroy declared that public opinion throughout India regarded the case of their people in Kenya as a test of the position of Indians in the British Empire.

Three years ago a commission of which Lord Milner was made president inquired into the situation in Kenya and Uganda and outlined a policy which, they considered, should be carried out. The Indians took exception to three features of that policy, viz., (a) the occupation of the highland by the Europeans to the exclusion of all Indians, (b) limiting their representatives on the Legislative Council to two, and (c) the principle of segregation. The commission proposed that the two Indians be elected on a special franchise. The European population were given adult suffrage, but the Indians were not considered ready for it. The other members of the Council were to be eighteen nominated officials including the Arab Lawali of Mombasa and eleven elected Europeans. Further, the principle of race segregation was to be applied in the residential areas of townships and, wherever practicable, in commercial areas as well.

Lord Chelmsford's dispatch dated October 21, 1920, to the secretary of state for India sets forth in clear and forceful language the attitude of the government of India to this change of policy. Since the Indians far outnumbered the white settlers two elected members in the Council as against eleven for the Europeans were

not a fair representation. While agreeing that an official majority in the Council was required to safeguard the rights of the natives, he said, "Even-handed justice required that the representation of the European and the Indian communities and the method of election should be assimilated." He suggested a property qualification with an educational test for the franchise for both peoples. Many Indians would not be qualified to vote, and therefore there was no immediate danger of Indian members dominating the legislature. Such a method would secure for the Indians an adequate share in the affairs of the colony. Lord Chelmsford goes on to say, "Where Indian interests are concerned the official majority does not appear always to be a reliable safeguard". By way of illustration, he quotes the passing of a regulation through the British East Africa Council making English the only permissible language for book-keeping. The motion had carried in the Council, in spite of the opposition of the governor, who realized what a hardship the new law would impose upon Indian traders accustomed to carry on business and keep their books in their own language. A common electoral roll and a common franchise would moderate and compose racial differences since all candidates for the Council would be forced to appeal to the electors of both communities.

In 1920 the most important municipality in Kenya, Nairobi, showed the following distribution of population and the value of the property held by each community:

	Population	Municipal tax
Europeans.....	2,000	Rs. 70,000
Indians.....	5,000	120,000
Africans.....	12,000	10,000

The municipal council had had one nominated official member and twelve elected Europeans, and they were then proposing to elect three Indians. The governor-general of India proposed that a common electoral roll and a common franchise should be applied in municipal matters also.

Against race segregation in residential districts and commercial localities, many objections were made. Indians in East Africa and their educated countrymen at home resented it on principle because it implied a racial stigma. Segregation in commercial areas was quite as impracticable. Already many Indians owned land in the quarters that were proposed for European habitation. Also the nationality of business firms seemed to be less important than the nationality of their employees and

customers. No suggestion had been made to prevent European firms from employing, as they all did, Indian clerks in the proposed European commercial districts. It seemed irrational, for instance, that an European and an Indian firm which were alike dealing with European customers and alike employing Indian clerks and assistants should be made to trade in different quarters. Or again sanitation and social convenience did not appear to require that an European firm with a large retail trade among natives should carry on its business in the European section of the town. If the object was sanitation and social convenience a joint commercial area regulated by strict sanitary and building laws would insure that only businesses of a good class of whatever nationality would be established in the best streets and those of an inferior class of whatever nationality would be confined to less important streets.

The attention of the secretary of state was drawn to the fact that restrictions had been extended to prohibit the *transfer* of land in the highlands to Indians. This was going far beyond Lord Elgin's decision, that grants in the upland areas should not be made to Indians. Lord Milner had justified the exclusion of Indians from the highlands on the grounds that the climate naturally excluded whites from living on the lowlands, though as a matter of fact many white people owned large tracts in the lowlands. In them already eleven thousand eight hundred and fifty-eight square miles were alienated to Europeans, while Indians only held thirty-two square miles. Even in the humid coastal belt they possessed large plantations. Evidently the climate had not already discriminated in favour of the Indian. In concluding, Lord Chelmsford said, "If, then, as Lord Milner suggests, the issue in Kenya Colony is merely a question of climate, we would urge that it be left to the climate to decide."

The following example, quoted by Lord Chelmsford, shows very plainly that though the Europeans claim only to shut out the Indian from acquiring land in the uplands, his right to possess property in the lowlands is far from secure. Before the Great War a Deutsche-Englishe Ost-Africa Kompagnie Gesellschaft, an enemy firm, held an estate of thirty-five square miles in the lowlands, one hundred and fifty miles east of the eastern boundary of the highlands. This estate, with the machinery standing thereon, was sold by the liquidator to Mr. Wm. Sterling of Nairobi for seventeen hundred rupees. Later Mr. Sterling agreed to sell ten thousand acres, a part of the estate, to an Indian firm,

Walji & Habib Maniji, for eighty-two thousand five hundred rupees. The land officer for the district, however, refused to sanction the transfer. When the solicitors of the Indian firm pressed for a reason the officer wrote, "I beg to inform you that His Excellency, the Governor, has given the matter long and careful consideration, but does not consider the present an opportune time to introduce such an important innovation in the land policy of the Protectorate as would be constituted by the registration of the proposed transfer, to which therefore His Excellency regrets he is unable to consent."

The Indians, stung by repeated curtailment of their claims for equality in South Africa, are determined not to recede in their demands in Kenya. The prospect of being excluded in that country has roused their hostility and ill-feeling until nowhere else is the question of the relative positions of the two races more acute. Though they have in the meantime agreed to accept four representatives on the Legislative Council, they are far from satisfied. A mandate protects the rights of their countrymen in the land formerly known as German East Africa lying to the south of them, and it seems intolerable to them that British Indian subjects should have less liberty in a crown colony than as aliens in the neighbouring mandated territory.

There remains yet to be considered, in this survey of Indian migration within the Empire, the situation in the various islands in the Pacific and Atlantic Oceans. They may for convenience be grouped together. Many of them, as for instance Mauritius, Seychelles, Fiji, Trinidad, and British Guiana, have become large centres of Indian population. Their tropical climate makes them quite unsuited to be permanent homes of a white labouring class. Accordingly, Europeans are confined to the administrative posts, the commercial positions, and clerical and professional work. It would seem that the Indian as he improves in education and status is occupying such posts increasingly. So that it has become merely a matter of time before the white man will be squeezed out, leaving the Indian in almost complete possession, save for a few white officials, planters, and business men. It is not inconceivable that a few generations hence they may go the way of their countrymen, and then India will have become the mother country of quite a number of isolated tropical colonies in various parts of the world. Mauritius is already well on the way to this. The two hundred and sixty-five thousand Indians represent over two-thirds of the population. The white

people have steadily grown fewer in recent years. In Zanzibar, it is remarkable to see how the Indians have captured practically all the trade. Along the road which runs through the length of the island Indians own and operate all the shops. They handle most of the great trade in cocoa-nuts, cloves, and other spices, for which the island is famous. The African natives are already relegated to the position of hewers of wood and drawers of water. The one hundred and fifty thousand Indians in British Guiana form more than half the total population, and additional coolies are being sought to work on the plantations.

To Fiji, as to British Guiana, the Indian first went as an indentured labourer, and he did his work so well that he has become almost indispensable. In 1914 there were fifteen thousand six hundred still under indenture and thirty-seven thousand seven hundred time-expired immigrants remaining as permanent settlers in the islands. "Economically the Hindus in Fiji are a powerful factor. Not only have they made the sugar industry sound and flourishing, but by leasing and buying native lands they are pushing the native Fiji back and changing the face of the country."<sup>1</sup>

Indentured Indians in crown colonies have had their difficulties. The conditions under which they have had to labour have often been exceedingly bad. In the hands of rapacious employers they suffer all the discomforts of crowding, hard labour, scant rations, and neglect. In recent years the position and treatment of indentured coolies in Fiji and other colonies aroused much bitterness in India. As a result of the agitation and the disclosure of the unfavourable conditions under which Indians were suffering, the government of India interfered, and freed all coolies in any of the colonies from their indentures after January 1, 1920.

But the plantations require their help so badly that an inter-departmental committee from the India and the Colonial Offices have since devised a scheme to assist Indian emigration to Jamaica, Trinidad, British Guiana, and the Fiji Islands. Many Indians have spoken strongly against the scheme. Mr. H. S. Polak, who was for many years associated with Mr. Gandhi in South Africa, controverted all the main assumptions of the committee. He said, "There is no way to protect the ignorant Indian peasant from the tortuous devices of the unscrupulous recruiter. Indians

<sup>1</sup> Scholefield, *The Pacific, its Past and Future*, p. 243.

do not want merely an Indian labour settlement, the bulk of whose product and profit will be enjoyed by white planters, but an Indian colony in the full sense of the word." The governments of British Guiana and Fiji have agreed to accept the scheme, but the government of India has not yet taken it up. They are anxious to go no farther than public opinion in India is prepared to point the way.

EMMALINE E. SMILLIE

## NOTES AND DOCUMENTS

### THE FIRST ASSEMBLY IN LOWER CANADA

THE first Assembly of Lower Canada, in spite of the pledges of good fellowship between the French and English which were given at banquets celebrating the Canada Act,<sup>1</sup> met under trying conditions. The English of Quebec and Montreal, headed by Adam Lymburner, had been opposed to the division of the province on account of the large numerical superiority which the French would obtain. When the Canada Act overrode their wishes, they were naturally displeased, and were only too prone to suspect the French of attempts at racial favouritism in the Assembly. So far as the "new subjects" were concerned, the average French habitant knew nothing of representative government and cared less, while the seigneur had opposed the grant of an assembly to the last. Clearly, then, there were almost certain to be racial clashes and jockeyings for advantage.

In that connection the letter printed below is of special interest as revealing the attitude of the English in the Assembly, and as suggesting that the struggles of Sir James Craig's time were heightened by the recollection of previous combats.

The letter was addressed to Alexander Ellice, the famous "Bear Ellice", who owned a Canadian seigniory, and whose paw was thrust into Canadian politics once too often in 1822. He realized the value of the letter, and promptly forwarded it to Evan Nepean, the under-secretary for Home Affairs, and almost certainly the best informed man in England on colonial politics.

The writer, John Richardson, was a well-known merchant of Montreal, a partner in Forsyth, Richardson, and Company, and a member of the North West Company. He had been one of the advocates of an assembly since the days of the Quebec Act, but 1792 marked his first appearance as a law-maker. An honest well-meaning man, he was generally respected and was employed

<sup>1</sup> Chapais, *Cours d'Histoire* (Québec, 1921), tome 2, p. 42.

later by Prescott to investigate the unrest and riots of 1796, which culminated in the execution of McLane.

It is obvious that his letter is a brief for his own party and not an impartial account of proceedings. Of the three men mentioned as being qualified as Speaker, two, Grant and McGill, had been among the leaders of the "old subjects", and were not suitable candidates if the party really desired "to conciliate and be moderate". James McGill was, of course, the leader of the Montreal merchants in their struggle for an assembly, while William Grant had sat in the Legislative Council since 1778 and had won the especial dislike of the French party, in the days of Hamilton and Hope. Fraser, one of their few English supporters, described him, in 1789, as "a man of liberal education and perfect master of the French language, a good judge of character, plausible and a good orator, with Mr. Monk the chief admirer of Mr. Smith [the Chief Justice]. His violent partisanship may have been the reason for his omission from the new Legislative Council after the Canada Act. Many, including Monk, believed that Grant planned to lead the Assembly in his election as Speaker and to work with Smith who was Speaker of the Legislative Council, in order to control legislation."<sup>1</sup> Of the third candidate, Jordan, I have been unable to find any record.

The Speaker chosen, in spite of these carefully laid schemes, was Jean Antoine Panet, "the best qualified among the Canadian gentry",<sup>2</sup> and a man of tact, who held the office, with the exception of a brief interval, until 1815.

Richardson's letter was written before the session closed, and it is interesting to compare his studied pessimism with Clarke's report to Dundas when the session ended.<sup>3</sup> After referring to "an apprehension on the part of his majesty's new subjects that the old subjects meant to control the proceedings of the House, and contemplated innovation upon the ancient laws and usages of the country", he continues: "The Canadian members having, as they concluded, established their consequence by evincing to the people that they acted in concert and were able to control every question that was agitated, feeling also that the English members in general, conducted themselves with that temper, moderation and good sense by which the

<sup>1</sup> C. O42, Vol. 91. Monk to Nepean, May 8, 1793.

<sup>2</sup> *Ibid.* Monk was by no means a supporter of the French, but he seems to have thoroughly disliked Grant.

<sup>3</sup> C. O42, Vol. 94, Clarke to Dundas, July 3, 1793.

Public Service is always best promoted, the members parted in the greatest harmony and good humour with each other. I doubt not that the experience they have acquired will afford both the means and inclination to despatch business with the greatest facility and effect at the next meeting."

F. H. SOWARD

[*Transcript*]

Montreal 16th Feb'y, 1793

Dear Sir

As you will no doubt be anxious to know the Proceedings of our Legislature I shall endeavour to give you the Outlines, from which you will see that the prospect of future utility from their deliberations is as slender, as the past has been unproductive of any one desirable regulation.<sup>1</sup> Unhappily the Session commenced with a determined spirit of Party amongst the French members, for they had a private meeting, at which it was decided that an Englishman should on no account be elected Speaker.

We wished to conciliate and be moderate, and that the choice should fall on whoever might be best qualified to fill the Chair, from ability, habits of public business, and knowledge in both Languages, without distinction of Country. For this purpose three Grant, McGill and Jordan, were proposed, of which they might select one the most consonant to the general wish, but all was to no purpose, right or wrong, a Canadian must be the man, no matter however ill qualified; and the Election fell on a Mr. Panet, a Quebec Lawyer, whose ideas and talents were never calculated for anything beyond the quibble routine and formality of a Court of Common Pleas, such as this Country has hitherto experienced.

The same principle which induced the first Out of Door Meeting, has hitherto governed all their proceedings. Everything is settled out of the House, they come down with matters the most absurd, cut and dry; and all the purpose the English Representation has as yet answered, is exposing the evil tendency of such conduct, but to no effect; as we may argue and reason until grey headed, without producing a convert amongst those who are predetermined agt. conviction. Our time has hitherto been principally occupied in framing Rules of Proceeding, and getting into some system of organization. Two measures only of real importance have undergone a decision, exclusive of *that* above men-

<sup>1</sup> Chapais, *op. cit.*, gives a careful analysis of the debates.

tioned. The second object was the establishment of a quorum to do business. They proposed 34—we demonstrated the impossibility of proceeding with so large a number, and that 26 should be the utmost extent, yet all was fruitless, 34 was carried, and has been persisted in, against common sense; altho' we have daily and hourly experience of its impeding business, as we can hardly ever keep together so large a number.<sup>1</sup> No cause can be assigned for such obstinacy, but that being suspicious of their own patriotism and assiduity; they are afraid if the number should be 26, the English would be more punctual in attendance than them, and thereby obtain a majority. The next question of Magnitude; which was indeed a preliminary one to the proceeding on real business, was that of Language; that is to say, whether English or French should be the Legal Text of the Laws to be enacted.

We all agreed that the Laws should be promulgated in both, but that the *English* being the Language of the Empire, should of course be the Text in the last resort, in case of difference of opinion arising in the Construction of Acts. In vain did we prove, that this had been the immemorial Practise in the British and indeed every other Empire, that it had uniformly been so here since the Cession—that it was necessary to the sovereignty and unity of the Nation, and of real utility to this Province, as a stimulus to acquire the Language of the Mother Country, and have a gradual operation in assimilating us to her, by banishing these unhappy distinctions, which the English part of the community wished buried in oblivion, but the Leaders of the Canadians seemed determined to keep up and even augment. It was like talking to the Waves of the Sea—after two days debate upon this question brought on under a variety of shapes, we were foiled in each, and it is now determined (as far as this illegal and usurped Power of the House of Assembly can do it) that all Laws relative to Property and Civil Rights may be introduced in either Language, and to be translated into the other before they can have a formal first Reading, but the French in either case to be considered the Legal Text—The English to be the Text of Acts relative to the Criminal Law, or Protestant Clergy—objects of no importance, as the Act of Parliament has happily left little in our Power on these heads.

The consequence of so extraordinary a decision will be, that the Council will probably reject the French Text, and if that is not the case, the Gov't certainly must, as an English Sovereign has no authority to sanction Laws in a Foreign Language. The functions of Gov't will therefore probably be stopt—a prorogation or dissolution must ensue—

<sup>1</sup> Later in the session the quorum was reduced to 26.

and a new act take place. The division of the Province, is now, if possible, more manifestly injurious than before. I fear there are two Parties amongst the French—one obnoxious to the New Constitution, as they opposed our procuring it—the other more dangerous as being infected with the detestable principles now prevalent in France. These being my fears, my hopes of course are slender—still, as questions will arise on which they will split, it will give the English (who have no wish but the happiness of this country as a British Colony) a preponderance.

A circumstance has occurred which has made much noise and of which I am unfortunately the object. Debonne introduced his motion regarding the Language with a Preface containing his Reasons—the House admitted this Preface on the Journal, notwithstanding the tendency of such to impede business, by loading the Journals, was manifest. Next day I sat down, and with a view of exposing this absurdity, and also to counteract his intention, wrote 8 folio pages very close, containing part of my own speech the day before, with some ideas borrowed from others, which I introduced as a Preface to a motion in favor of the English Text.

The motion of course was lost, but it sickened the House so completely of Prefaces, that an unanimous vote passed to abolish them in future.

As I treated the subject with great freedom, great offence was taken by some, and a Committee was app'd to inspect the Translation, for the purpose of bringing me to the Bar. I was firm and conscious I did nothing but what Parliam'y usage warranted. The consequence was, after out of door vapouring, it within vanished into smoke—as they Resolved it should not be ent'd on the Journals, but remain on the Files of the House.

A motion was lately brot. forward to adjourn 20 days viz. to the 25th Inst. We opposed it as unconstitutional, being in fact a prorogation—yet so ignorant are they of the British Const'n or so perverse, that it was carried without any communication thereof to the Gov'r or Council. In consequence of this I am now here, and return in a few days. Another measure equally improper was carried; an address to His Exc'y to appoint a French Clerk and recommend'g one for that purpose. This was opposed as a manifest incroachment on the Royal prerogative—as the appointment is in the Kings Representative, and a recommendation only an injunction under another aspect—besides, that it was asking him to undo what he had already done, under the Great Seal, viz: Commissioning Sam'l Phillips as Principal Clerk—and that through him deputations should be given, if additional assistance was necessary. I hope this will do good, and draw from Gov'r Clarke something that will remind them of their duty.

Several Bills have been introduced—but are in no forwardness—a very desirable alteration regarding the Courts, has been submitted to us, by desire of his Majesty's Ministers. Nothing can be so irksome as the situation of the English members—without numbers to do any good—doomed to the necessity of combating the absurdities of the majority, without a hope of success—were I rid of it, no consideration would induce me to accept again of such a trust—but as I am in, I am determined to give my opinion boldly for such measures as in my conscience I shall think really calculated to do this Province a service, under the relation it stands in as a part of the B. Empire. I am persuaded—if the House is not dissolved—the English will in the end be the most popular—as facts will speak for themselves, and gradually remove prejudices, interestedly fomented. With my best respects to Mrs. Ellice and all Friends—

I remain with great respect and truth  
Your assured, and much obliged  
Servant

JOHN RICHARDSON

## REVIEWS OF BOOKS

*The William L. Clements Library of Americana at the University of Michigan.* Ann Arbor: Published by the University. 1923. Pp. xiii, 228. (\$3.00.)

TWENTY years ago Mr. William L. Clements, a wealthy citizen of Bay City, Michigan, commenced the collection of a library of Americana. By the purchase of the libraries of other collectors, by successful bids at such book-auction sales as those of the Hoe and Huth libraries, and by means of acquisitions through dealers, he gradually built up one of the finest libraries of Americana in existence. This he has recently housed in a separate building on the campus of the University of Michigan; and he has now compiled a description of the resources of the library, which the University of Michigan has published.

The book is not easy to characterize. It is not a catalogue or check-list of the Clements Library, nor is it a bibliography of American history. "The book," says Mr. Clements frankly, "may not interest bibliographers; neither will the advanced student of history find in these pages new information." Yet it gives a better idea of the resources of the Clements Library than any check-list could have given; and one would go far before finding a better introduction to the rare printed sources of American history. What Mr. Clements has tried to do—and has done with unusual success—is to weave into a brief narrative of American history references to the more important printed sources of American history, with an indication of those sources which are to be found in his Library. His object in doing this has been to advertise the opportunities for research afforded by the Library, and to interest students in its resources, in the hope that "new inquiries may be one result of this publication".

It is sincerely to be wished that this hope will be realized. A collection which contains, among other priceless treasures, the originals of the Shelburne and Lansdowne Papers, the library of the celebrated Americanist, the late Henry Vignaud of Paris, and the Stevens collection of maps of the American Revolution, ought to attract scholars engaged in many different lines of research. From the standpoint of Canadian history, the resources of the Clements Library would appear to be

singularly full. Mr. Clements's chapters on the "English and French Voyagers", on "The French in North America", and on the "French and Indian Wars" all reveal a wealth of material regarding the early history of Canada which is rarely met with in one place; while it is clear that the material relating to the American Revolution is all but inexhaustible. A feature of the Library of particular interest is the collection of newspapers and broadsides, about which Mr. W. W. Bishop, the distinguished Librarian of the University of Michigan, contributes a supplementary chapter.

An index would perhaps have rendered the volume of greater value as a work of reference; but, even as it is, the book is a remarkable memorial of a very fine collection, and a shining witness to Mr. Clements's public spirit.

W. S. WALLACE

*Bering's Voyages: An Account of the Efforts of the Russians to Determine the Relation of Asia and America.* By F. A. GOLDER. In two volumes. Volume I: *The Log Books and Official Reports of the First and Second Expeditions, 1725-1730 and 1733-42.* (American Geographical Society: Research Series, No. 1.) New York, American Geographical Society. 1922. Pp. x, 371; illustrations and chart.

THE discovery of the Northwest Coast of America by the Russians in the first half of the eighteenth century has attracted comparatively little attention from Canadian, and even from American, historians. Not only have the existing accounts hitherto been inadequate, but the primary documents have lain unpublished. Mr. Golder has now supplied the deficiency by printing translations of the log books and official reports of the first and second expeditions of Vitus Bering, together with a variety of other documents unearthed by him in the Russian archives. The relation of Bering's discoveries to Canadian history is, of course, slight. One of his ships, the *St. Paul*, made a landfall off Prince of Wales Island near the coast of British Columbia, and later lost some of its crew at the hands of the Indians near Lisianski Strait. The problem of what happened to these unhappy mariners is one of the most interesting speculations in the early history of the Pacific coast, and many attempts have been made to discover from Indian tradition the other side of the story which the journal of the *St. Paul* tells. But apart from the general interest which Bering's voyages have for the history of the delineation of the Northwest Coast of America, the volume has little other direct relation to Canadian history.

It need only be said that the editor has done his work in a very judicious and scholarly manner. A bibliographical note appended to

the volume gives an admirable conspectus of the whole subject of the Russian voyages to America, and the maps and illustrations add greatly to the usefulness of the volume. The editor has omitted to provide an index, but from the table of contents one gathers that an index to both volumes is to be appended to Volume II.

*Historic Tales of Old Quebec.* By GEORGE GALE. Revised and Enlarged. Quebec: The Telegraph Printing Company. 1923. Pp. 344.

THE title of this book is a misnomer. The book is not a collection of tales, but a store-house of disjointed and miscellaneous information about the history of Quebec—a compilation not unlike the volumes of *Landmarks of Toronto*, published a generation ago by the late Mr. John Ross Robertson. No attempt is made to indicate the authorities for the statements made, and as a history of Quebec the book therefore leaves much to be desired. If, on the other hand, the book is intended for consumption by tourists, one can only regret that the author did not confine his efforts to the writing of a guide-book pure and simple.

*The Papers of Sir William Johnson.* Prepared for publication by the Division of Archives and History, JAMES SULLIVAN, Director and State Historian. Three vols. Albany: The University of the State of New York. 1921. Pp. xl ix, 931; xv, 900; xiv, 997.

THE story of how these papers came to be published is in itself interesting and curious. When during the Revolution the effects of Sir John Johnson were confiscated and sold, his letters and manuscript material, along with other property, were purchased by John Taylor, who sided with the Revolution. They remained in the possession of this family until 1850, when Taylor's grandson presented them to the New York State Library. To them were added, in 1863, additional Johnson papers, procured from the Johnson family in England and from other sources by William L. Stone, of New York. Stone projected, but never completed, a history of the life and times of Sir William Johnson based on the documents he had secured in England. After writing a few chapters, he died in 1844; and his son, the second William L. Stone, whose biography of Brant is a standard work, completed the father's unfinished task, and issued in 1865 the biography of Sir William Johnson. He sold the papers in his possession to the Library. The Library acquired also at a sale in London a fresh batch of Johnson papers, and in various ways made the whole collection exceedingly rich and valuable. In 1911 a disastrous fire destroyed a large part of the State Library, and the Johnson papers suffered. Some were destroyed; others were much injured. Fortunately, there had been in progress for some time an edition of the more important papers by the State historian; and from

the printer's proofs, some of them uncorrected, the omissions could be supplied. (Incidentally, this disaster illustrates the value of a fireproof building, such as exists at Ottawa, separate from other buildings. The Canadian archives in Dr. Brymner's time were severely scorched by a fire in the old Parliament Buildings; and if the archives had remained there, they would have been wiped out when the buildings were burned during the War.) Among the Johnson papers burned at Albany in 1911 was the diary of Sir William Johnson from 1759 to 1761 and the *Prideaux and Johnson* orderly book of 1759 covering the siege of Fort Niagara in the war against France. These, luckily, exist in copies.

The editor of the present collection, Dr. James Sullivan, the State historian, wisely determined to include in this series copies of destroyed manuscript where proofs existed, the latter being the only form available for historical students. As is well known, many Johnson papers are to be found in O'Callaghan's work on the colonial history of New York. These have not been reprinted, but references are made so that the investigator can find them in their proper place. The same plan is followed in respect to Johnson material in the Massachusetts archives and elsewhere. In using the material, the editor reminds historical workers that Day's calendar of the Johnson manuscripts issued in 1909 is indispensable. Despite the accident of fire, and the fact that there are collections elsewhere which must be consulted, the present volumes constitute a monument to the industry and enterprise of the State authorities. The period covered is from 1738 to 1762, and, as Sir William Johnson lived until 1774, the later volumes, it may be inferred, will be equally valuable and important. Whether as Indian agent or military officer, Johnson's unique position renders his career of great interest in studying the colonial history previous to the Revolution and the relations of the British government with the Iroquois. While the collection is primarily for historical students, the general reader will find much that bears upon the social and economic factors which helped to shape the events of this period. The work is well printed from large type. It is embellished with several portraits of Johnson and portraits of Colden, Warren, Newcastle, and other notabilities of the time; and the reproduction of a photograph of Fort Johnson, as it exists to-day, is a welcome addition. There is also reproduced a facsimile of part of a letter from Peter Kalm, the Swedish traveller, whose preference for the French over the English colonies, so candidly set forth in his book, is not reflected in the letter acknowledging Johnson's hospitality and kindness. The maps, plans, and drawings of forts add to the value of the whole work, which will stimulate the study of colonial history.

A. H. U. Co

*Letters of Members of the Continental Congress.* Edited by EDMUND C. BURNETT. Volume II: *July 5, 1776, to December 31, 1777.* Washington: Published by the Carnegie Institution of Washington. 1923. Pp. lxxiii, 638.

THIS portly collection of original sources is the second of six projected volumes, the first of which was reviewed in Volume III of this REVIEW. To students of the American Revolution, it is, if anything, more important than the former volume. Something of its importance is reflected in the editor's remark that fully half the materials in it appear in print for the first time. In addition, these letters, packed into 630 pages, were written in probably the most dramatic and plastic period of the Revolution. Amid the desperate grappings of many fears, the Declaration of Independence was published to the world in July, and reactions of great consequence followed in America and in Europe. Many colonial leaders looked forward to the future with not a little trepidation. "A few weeks," wrote Abraham Clark, "will probably determine our fate—perfect freedom or absolute slavery—to some of us freedom or a halter." Some former colonial champions retraced their steps, fearing to tread further in the path of revolution, but the majority, we gather from the letters, were in unison with the feelings of John Adams, who braced himself to withstand the consequences, ill or good, bold in the consciousness that the river was now crossed and the bridge cut away.

Following quickly upon the Declaration of Independence were other developments upon which this volume throws an illuminating light. Communications with European powers were undertaken, and among many interesting comments we have the protesting remark of John Adams: "I don't love to be entangled in the quarrels of Europe. I don't wish to be under obligations to any of them, and I am very unwilling they should rob us of the glory of vindicating our own liberties."

In this period also the idea of an organic union of the States came to birth, an unwelcome child, born in an atmosphere of hostility. The work of developing a military force went on apace, but without immediate tangible consequences. The difficulties of recruiting and maintaining the army were great, notwithstanding the fact that "the bounty and pay were both enormous". Frequently we have references to the desperate plight of Washington's army. But "our late glorious success in the north", the capitulation of Burgoyne at Saratoga, brought a quiver of hope and enthusiasm to the hard-worked members of Congress.

It is needless to dwell upon the importance of the letters in this volume for such an eventful period. A reading of the letters makes it

only too evident that the men who wrote them were not members of a national government, guiding with a strong hand the nation to a new future. The paralytic weakness of Congress is proved by abundant evidence. Henry Laurens echoed the comments of many letter-writers: "I could tell you truly, the House has been reduced to nine states represented in units—that we have sometimes been stagnant from a want of members—and oftener running whole days into weeks of unmatured conversations from a want of able members." The dynamics of revolutionary action came primarily from the state legislatures. The triumphs of the Revolution were the triumphs, not of one government, but of a bundle of sovereign states, many of which were controlled by sectional interests so powerful as to bring despair to the followers of Washington. Excluding the army, Congress was the only institution which brought to a focus revolutionary sentiments and ideas. However weak it might be in action, it was a good mirror of opinion. Hence the prime historical value of the letters of its members is in the insight which they give into the atmosphere of revolutionary thought.

This volume does not throw as much light upon events in Canada as Volume I. The reason is obvious. The attempt to add Canada to the other revolting colonies had, previous to July, 1776, failed, and the Americans had withdrawn from the country. Yet we get interesting explanations for the failure of the Canadian expedition and its depressing effects upon the colonists. Abraham Clark wrote that "The Congress . . . imputed the miscarriage there to the short time the soldiers enlisted for, the small-pox getting into the army, the want of hard money to purchase provisions in Canada, and the almost impossibility of transporting any quantity there in the winter". That the failure of the expedition discouraged the Americans is amply indicated in the comment of more than one prominent congressman. In the words of Benjamin Rush, "the loss of Canada had struck the spirits of many people", and, with a chagrin too great for words, John Adams referred to the "flight from Quebec". References, although few of an illuminating character, are found in respect to Burgoyne's ill-fated movement down the Hudson. We find the Board of War suggesting to General Gates that he recruit a battalion of Canadians from Burgoyne's surrendered army, and that it be officered by European French. The Board seemed to have grounds for the belief that many Canadians were "friends to the United States, although they have by compulsion borne arms against us".

If the references to Canada are few, the volume has none the less considerable interest to the student of Canadian history in search of historical comparisons and contrasts. Dozens of letters deal with the problem of effecting a union of the colonies, and for comparative study

cannot but be of interest to the historian of Canadian confederation. Abundant light is here cast upon the paralyzing strength of colonial sectionalism and the variety of centrifugal tendencies. It is made evident that the motives of American Confederation in 1776 and 1777 were widely different from those behind the Canadian movement. As the thirteen colonies entered the new future opened to them by the Declaration of Independence, the vision in front was not that of a solidified nation. Men like Rush and Thomas Burke, reflecting very dominant opinions, looked upon confederation as little more than an emergency measure, forged by the necessities of the war with England. Desecrating hands were not to be laid on state sovereignty. "All sovereign power," observed Thomas Burke, "was in the states separately." The remark of John Adams that the existing confederation was a rope of sand that must soon dissolve to give place to something firmer was merely the statement of an aspiring prophet. The conception of the nation as one sovereign state, instead of several, which influenced leaders in the British North American provinces previous to 1867, had hardly made its active appearance in the thirteen colonies when the letters in this volume were written. The succeeding volumes of letters will undoubtedly throw a light upon its development.

The book is well indexed, has a useful historical preface, and in every way enables the student to trace references with ease.

ALEXANDER BRADY

*Menzies' Journal of Vancouver's Voyage, April to October 1792.* Edited, with Botanical and Ethnological Notes, by C. F. NEWCOMBE, and a Biographical Note by J. FORSYTH. (Memoir No. V of the Archives of British Columbia.) Victoria: The King's Printer. 1923. Pp. xx, 171.

FOR more than a century after Vancouver's voyage his own narrative remained the only printed account of its incidents. He seemed to have been more successful than his predecessors in enforcing the Admiralty's order to collect the journals kept by his crew. Perhaps this was because he brought these instructions very early to the attention of the ships' companies (see vol. 2, p. 360, 8vo ed., 1801, of Vancouver's *Voyage*). But in 1914-1915 there appeared in the *Washington Historical Quarterly*, vols. 5 and 6, an anonymous journal of the voyage, written probably by Bell, the clerk of the *Chatham*.

Archibald Menzies, the botanist and one of the surgeons of the expedition, also kept, in accordance with his instructions, a very full journal beginning with the departure of the ships from London in December, 1790, and extending to February 16, 1794. Vancouver's

attempt to obtain this journal added fuel to the smouldering feud between himself and Menzies. The original manuscript is in the British Museum; a copy, obtained by the late Mr. E. O. S. Scholefield, is in the Archives of British Columbia. Being the journal of the first British botanist to visit the Northwest Coast of America, it contains our earliest scientific information upon the flora of British Columbia.

The portion of this interesting journal which is now published extends from April, 1792, when Vancouver's vessels reached the coast of North America, until October, 1792, when, the season's work being completed, they sailed for the Sandwich Islands to spend the winter. This is practically the period covered by the second volume of the 1801 edition of Vancouver's *Voyage*, to which it may be regarded as a kind of companion piece. Although he was primarily interested in the botany of the new region, Menzies found room in his journal for all the occurrences of the voyage. While, of course, Vancouver's own account must remain the authoritative record of his voyage, the intensive student will find in this *Journal*, as also in Bell's, some small incidents not mentioned by Vancouver and numerous minor details filling in the picture drawn by the commander himself. Menzies has recorded not only the events of which he had personal knowledge, but also those that were reported to him by the various boat expeditions that were being constantly despatched from the time the vessels entered the Strait of Juan de Fuca until they emerged from the labyrinth at Queen Charlotte Sound. For example, his pages 78-81 will be found to contain almost the same information as Vancouver's *Voyage* (1801 ed.), volume 2, pages 239-246. In this instance neither Vancouver nor Menzies had been on the boat voyage, the incidents of which they are relating. On other occasions, however, Menzies is an eye-witness, while Vancouver is relying upon the reports made to him. When the *Discovery* and the *Chatham* reached Nootka Sound Menzies accompanied Vancouver and Quadra on their visit of state to the Indian chief Maquinna; he gives a more detailed description of the native dances and ceremonies than is to be found in Vancouver's account (compare *Voyage*, vol. 2, pp. 354-6, with *Journal*, pp. 116-120).

The notes which Dr. Newcombe has added will be found to be correct and extremely valuable. They cover a wide range, embracing not only, as the title says, botany and ethnology, but also history, geography, and zoology. It is evident that they have been prepared with meticulous care, as a labour of love, by one who has studied the subject for years and who has personally visited almost every spot mentioned in the journal. As this volume, though much more ambitious, is uniform with the other memoirs of the department, the notes are

necessarily confined to the sides and are thus restricted to a laconic form which prevents any lengthy discussion or even any complete series of cross references.

Equally interesting with the body of the work are the biographical note by Mr. John Forsyth, the provincial librarian and archivist, and the preface by Dr. Newcombe. Into the former the archivist has gathered, after much correspondence and research, the outstanding facts in the life of Menzies and woven them together into a complete and attractive story. As Menzies had been on the Northwest Coast in 1786-1788 in the trading vessel *Prince of Wales*, commanded by Colnett, Dr. Newcombe seizes the opportunity of telling, in the preface, the history of that voyage, which he has pieced together from many scattered references.

The appendix of thirty-two pages contains a list of the plants collected by Menzies, with reproductions of a number of his drawings; and also further ethnological notes, a bibliography, and a list of early maps showing the intricate channels explored by Vancouver during the period of the *Journal*.

The volume is tastefully printed, on good paper, and well illustrated. To the botanist it will be of value as the first authoritative account of the flora of the British Columbian coast; to the historian it will be of equal value as auxiliary or ancillary to the classic account of Captain Vancouver.

F. W. HOWAY

*The Story of St. Paul's Parish, Toronto, 1822-1922.* Compiled and edited by the REV. E. KELLY. Toronto. 1922. Pp. 329.

ST. PAUL'S CHURCH in Toronto is the oldest Roman Catholic church in Ontario between Kingston and the Detroit River, and for nearly seventy years was the parish church of most of the Roman Catholic pioneers of this district. The church was built in 1822 and remained in use until 1887, when the present structure was put up. The centenary of the founding of the church has been celebrated by the publication of a parish history, compiled and edited by the Reverend Father Kelly, of Richmond Hill. For the early history of the Roman Catholic Church in Ontario, this volume is of real importance. It is based apparently on the most conscientious research into the archives of the archdioceses of Toronto and Kingston and into the parochial registers of a large number of the Roman Catholic churches in Ontario, as well as on the printed sources for the local and ecclesiastical history of Toronto. The volume contains a large number of illustrations of real historical value, and it is written in a style which compares very favourably with that of most parish histories. Father Kelly is to be congratulated on

having compiled a volume which is a fitting memorial to the early Roman Catholic pioneers of Ontario.

*Social and Economic Conditions in the Dominion of Canada.* Edited by W. P. M. KENNEDY. (Annals of the American Academy of Political and Social Science, May, 1923.) Pp. vii, 319.

THIS publication includes contributions from over forty writers on the following topics—population (to the extent of 67 pages), resources and their development (53 pages), education (11 pages), transportation (5 pages), money and banking (19 pages), foreign trade (48 pages), public finance (34 pages), social problems (76 pages), bibliography (5 pages). In addition, there is a good index. Of the contributors it would appear, from the table of contents, that sixteen are or have been members of the civil service, of whom fourteen reside in Ottawa. Eleven are members of university staffs, of whom seven are in the University of Toronto. Six are officials of four corporations, four are members of parliament, and the remainder belong to the press and miscellaneous associations. In point of residence, the maritime provinces alone are not represented.

These statistics illustrate, to some extent, the strength and the weakness of this number. Transportation and navigation are inadequately treated, notwithstanding able work done by Professor MacGibbon. One searches in vain for direct reference to manufactures and internal trade. These very serious omissions, and the lack of proportion evident in the material, are made more obvious when it is added that there exists considerable duplication and irrelevancy, especially in the two largest sections, namely population and social problems (see tables on pages 44 and 58). In these sections, and indeed throughout the volume, many questionable generalizations are made, and some articles might well have been omitted.

Contributions characterized by careful analysis which could be described as scientific are proportionally few in number. The chief value of the work is as a compilation of material on certain topics related to Canadian economic and social problems. The large majority of articles are purely descriptive.

The editor and the contributors have obviously had before them an extremely difficult task. They have been under effective supervision by American editors, and they have consciously been obliged to write for an American audience. An article on French Canadians in the province of Quebec definitely attempts to allay non-existent suspicions as to the purity of French Canadian origins. Several articles find it necessary to point out the superiority of Canadian institutions. It is

inferred that Canadian children are more brilliant than American children even under American conditions and according to American documents (see page 120).

Under the circumstances, the volume is an achievement of no mean merit. As a scientific product it has been worth while, if only as a medium for those very few articles which are distinct contributions.

HAROLD A. INNIS

*The Canada Year Book, 1921.* (Canada: Dominion Bureau of Statistics.)  
Ottawa: The King's Printer. 1922. Pp. xxiii, 909.

BEGINNING almost a generation ago as a slim and unpretentious annual, the *Canada Year Book* quickly created for itself a tradition of completeness and simplicity within the fields that it endeavoured to describe. But the tradition was not well maintained. In the years immediately before the war, the volume expanded almost *pari passu* with the growth of the Dominion; but these two qualities—the essentials of good style to the statistician—were conspicuous chiefly by their absence. Each Year Book seemed to have been compiled a little more carelessly than the last; and it was a matter of regret for more than academic reasons that the official summary of Canadian statistics succeeded so seldom in answering adequately the questions which it was presumably designed to meet.

The last few years have seen a quick transformation. The book has grown steadily larger, the range of its information wider with each issue. But with this unchecked expansion there has been a return to the traditions of an earlier period, and it is to-day not only voluminous but handy: a monument to the judgment as well as the zeal of its makers.

Within the last few years the Dominion Statistician has cleansed several Augean stables. He has been completely successful in putting the provincial accounts on a comparable basis, and has attempted (but with rather less success) to do the same with the municipal accounts. He has secured the vital statistics of eight provinces in a form which makes possible their compilation on a uniform basis; and it is much to be regretted that Quebec still insists on keeping her own statistics of births, marriages, and deaths in her own way, so making it impossible to present these facts in summary form for the whole Dominion. The positive results of these achievements appeared for the first time in the *Canada Year Book* in 1919 and 1920 respectively.

The present issue contains a number of new features, of which at least four deserve mention:

(1) The volume begins with a short description of the constitution and government of Canada. The writer, Mr. S. A. Cudmore, draws

largely on Sir Robert Borden's constitutional studies when he comes to recent times.

(2) The main results of the 1921 census (which is not as yet, of course, tabulated in full detail) are published on pages 101-114.

(3) In the Trade and Commerce section, a classification of Canadian exports and imports, compiled according to purpose, fills a need of long standing.

(4) The finance section includes a comprehensive treatment of Dominion finance since Confederation.

Since, in each succeeding year, the task of selecting what shall and what shall not appear in the Year Book becomes a little more difficult, it is perhaps not out of place to make two suggestions:

(1) That purely descriptive articles on, for example, the geology and flora and fauna of Canada should not appear more often than, say, once in five years; for on these points knowledge advances comparatively slowly. This would set free many pages for other purposes.

(2) That if and as this policy is followed, each issue of the *Canada Year Book* should contain a list of references to special articles of enduring value in the previous issues.

It is to be regretted, also, that the Year Book makes a very late appearance. This volume contains a little information relating to 1922: most of it, however, goes no farther than 1921; some only to 1920. The seeker after truth in 1923 has thus to find much of his material elsewhere, if he would keep his knowledge up-to-date. This should not be so.

The whole problem, of course, is one of clerical and technical assistance. Even a civil servant cannot make bricks without straw. Given a competent staff of sufficient size, the Dominion Bureau of Statistics could accelerate considerably the speed with which it disseminates information. Like most other branches of government, it appears at present to be suffering from enforced economies: and the Canadian government would do well to realize that this is a direction in which, paradoxically, too rigid a public economy will lead to private waste.

G. E. JACKSON

*Canada and British Wars.* By JOHN S. EWART. Ottawa. [1923.] Pp. 88.

THIS is a political pamphlet couched in the form of a legal argument. Mr. Ewart, the author of the well-known *Kingdom Papers*, and an outstanding exponent of the anti-imperialist school in Canada, believes that the Mackenzie King government was right in declining to commit Canada to association with the British government in regard to its action

of September 15, 1922, over the crisis in the Near East. He examines the history of Canada's participation in imperial wars, and he comes to the conclusion that there is not only no "obligation of gratitude" resting on Canada to participate in British wars, but that, were there cause for gratitude, it would not impose an obligation to participate in wars which Canada did not approve. Indeed, he goes so far as to say that, were there cause for gratitude, "Lord God, we have paid in full". "A practice has arisen," he argues, "of making pretence of consultation by the British Foreign Office with the Dominions with reference to formation and conduct of foreign policy. And, based upon the pretence, assertion is sometimes made that thereby we have assumed an obligation to participate in all British wars. The pretence is merely a pretence. But, to some extent, it compromises us, and it should therefore be ended." What Mr. Ewart really wants is independence. "Canada," he says, "is situated on the North American continent. Her policy should be based upon that indisputable fact. She ought to abstain from engulfment in the affairs—now more than ever perturbed—of Europe and the Near East." The model for Canada, it would appear, is the United States of America.

What Mr. Ewart does not do is to discuss frankly what independence means. Is he ready to accept all its implications? Does he think, for example, that, in negotiating with the United States, Canada independent would be in a stronger position than Canada as a part of the British Empire? He will probably retort that, where Canada has relied upon British diplomacy in the past, she has suffered more than if she had relied upon Canadian diplomacy. That, of course, is a matter of opinion, but we venture to suggest that most historians will fail to follow Mr. Ewart's arguments from the past. He has a genius for twisting historical evidence to suit his preconceived ideas, and many of his inferences are a burlesque of the truth.

No one in Canada would probably undertake to maintain the thesis that Canada ought to take part in every imperial war, regardless of its nature or its cause; but one gets the impression that Mr. Ewart would like to see Canada contract out of all imperial wars, merely because they are imperial.

W. S. WALLACE

## RECENT PUBLICATIONS RELATING TO CANADA

(*Notice in this section does not preclude a more extended review later*)

### I. THE RELATIONS OF CANADA WITH THE EMPIRE

[ANON.] *The new imperial problem* (Round Table, June, 1923, pp. 459-493).

A discussion of the problems which the Imperial Conference of 1923 will have to face.

BORDEN, Rt. Hon. Sir ROBERT. *The British Commonwealth of Nations* (Yale Review, July, 1923, pp. 774-789).

A statement of the relations of the constituent parts of the British Empire, by a former prime minister of Canada.

CLARKE, Lieut.-Gen. Sir TRAVERS. *Is British Empire economic unity possible?* (Nineteenth Century, July, 1923, pp. 19-24).

A discussion of the economic future of the Empire, by the deputy-chairman of the board of directors of the British Empire Exhibition.

DAVSON, Sir EDWARD. *The economic conference and the colonies* (United Empire, July, 1923, pp. 421-425).

An address read before the Dominions and Colonies Section of the Royal Society of Arts on June 5, 1923.

HALDANE, Rt. Hon. Viscount. *The Judicial Committee of the Privy Council* (Empire Review, July, 1923, pp. 713-724).

A description of the functions of this "link of Empire".

HARRIS, Sir ALEXANDER C. *Empire or Commonwealth?* (Edinburgh Review, July, 1923, pp. 25-36).

A discussion of the question whether the British Empire should now be called the "British Commonwealth of Nations".

HURD, ARCHIBALD. *Can the Empire be made safe?* (Fortnightly Review, July, 1923, pp. 67-80).

A discussion of the problem of imperial defence.

KEITH, A. BERRIEDALE. *The imperial constitution and the Imperial Conference* (Edinburgh Review, July, 1923, pp. 1-24).

A survey of the present situation in regard to constitutional relations within the British Empire.

KENNEDY, W. P. M. *Canada, the Empire, and the Imperial Conference* (Contemporary Review, June, 1923, pp. 737-744).

An estimate of the problems which must arise at the forthcoming Imperial Conference.

MATTHEWS, RONALD W. *Imperial preference* (United Empire, May, 1923, pp. 263-265).

A discussion of inter-imperial tariffs, by the Master Cutler of Sheffield.

MAURICE, Major-Gen. Sir FREDERICK B. *Present problems of imperial defence* (United Empire, July, 1923, pp. 425-435).

A valuable discussion of imperial defence, by the former Director of Operations at the War Office.

MERRITT, Hon. J. K. *Empire trade, and how to develop it* (United Empire, June, 1923, pp. 362-369).

A paper advocating reciprocal tariffs within the Empire, by an Australian politician.

STUART, Sir CAMPBELL. *Le Canada et l'Empire* (Bulletin de la Société de Géographie de Québec, mars-avril, 1923, pp. 90-100).

Translation of a speech by the managing editor of *The Times* with regard to imperial relations.

SYDENHAM, Lord. *Imperial co-operation: A practical scheme* (United Empire, April, 1923, pp. 201-202).

A concrete proposal for "a small modicum of Imperial Preference".

## II. HISTORY OF CANADA

### (1) General History

ALCOCK, F. J. *A historic monument on Hudson Bay* (Canadian Historical Association: Annual Report, 1922, pp. 47-51).

An account of Fort Prince of Wales, the ruins of which are still standing at the mouth of the Churchill River.

[ANON.] *Les timbres-postes canadiens* (Bulletin des recherches historiques, juin, 1923, pp. 181-182).

A brief history of Canadian postage-stamps since 1851.

[CLEMENTS, WILLIAM L.] *The William L. Clements library of Americana at the University of Michigan*. Ann Arbor: Published by the University, 1923, pp. xiii, 228.

Reviewed on page 264.

LAUVRIÈRE, ÉMILE. *La tragédie d'un peuple: Histoire du peuple acadien de ses origines à nos jours*. Deux tomes. Paris: Éditions Bossard. 1922. Pp. xvi, 518; 597; illustrations et cartes.

To be reviewed later.

MASSICOTTE, E.-Z. *Nos croix de chemins* (Bulletin des recherches historiques, avril, 1923, pp. 125-127).

Brief references to the way-side crosses erected by a number of the early Canadian explorers.

### (2) New France

CAMIRAND, Abbé ANTONIO. *La sainteté chez Mgr de Laval* (Canada Français, mai, 1923, pp. 276-293).

A discussion of Laval's saintly qualities.

CARON, Abbé IVANHOË. *Mgr de Laval et la colonisation de la Nouvelle-France* (Canada Français, mai, 1923, pp. 321-332).

A study of Laval as a nation-builder.

CASEY, MAGDALEN. *The king's girls* (Canadian Magazine, June, 1923, pp. 152-158).

An account of the parties of women sent out by the French king to Canada in the latter half of the eighteenth century.

CHAPIN, HOWARD MILLER. *New England vessels in the expedition against Louisbourg, 1745.* (Reprinted from the New England Historical and Genealogical Register for January and April, 1923.) Boston. 1923. Pp. 31.

A piece of detailed research into the naval history of Louisbourg expedition of 1745.

COURCHESNE, Abbé GEORGES. *Mgr de Laval et l'éducation en Nouvelle-France* (Canada Français, mai, 1923, pp. 307-320).

An account of Laval's services to education in New France.

DE CHAMPRIS, H.-GAILLARD. *Jean de Bernières et Mgr de Laval, ou Le directeur laïque d'un futur évêque* (Canada Français, mai, 1923, pp. 294-306).

A study of one of the religious influences which helped to mould Laval's life.

GOSSELIN, Abbé D. *Monseigneur de Laval* (Canada Français, juin, juillet, août, 1923, pp. 355-358).

An appreciation of Laval, on the tercentenary of his birth.

GROULX, Abbé LIONEL. *François de Laval* (L'Action française, mai, 1923, pp. 274-284).

An appreciation of the place of Laval in Canadian history, by the professor of history in the University of Montreal.

RICHMOND, F. J. *The landing place of Jacques Cartier at Gaspé, in 1534* (Canadian Historical Association: Annual Report, 1922, pp. 38-46).

A paper, based on actual topographical investigation, discussing the identity of the spot where Jacques Cartier landed in Gaspé Bay in 1534.

ROU, Abbé CAMILLE. *Le troisième centenaire de Mgr de Laval* (Canada Français, mai, 1923, pp. 241-249).

An account of the celebration at Quebec, on April 30, 1923, of the three hundredth anniversary of the birth of Laval.

— *Mgr de Laval, 1623-1708*. Québec: Imprimerie franciscaine missionnaire, 1923. Pp. 83.

A series of papers dealing with various aspects of Laval's life and work.

ROU, P.-G. *Le conseil de guerre du 13 septembre 1759* (Bulletin des recherches historiques, avril, 1923, pp. 115-117).

Notes on the council of war held by the French after the battle of the Plains of Abraham.

— *Une exécution capitale dans le port de Québec en 1663* (Bulletin des recherches historiques, mai, 1923, pp. 137-140).

A note on an episode in the history of early Canadian justice.

SCOTT, Abbé H.-A. *Le Vén. Frs de Montmorency-Laval et l'église de la Nouvelle France* (Canada Français, mai, 1923, pp. 250-275).

An account of Laval's work as an ecclesiastic.

THOMPSON, JOSEPH-J. *The Cahokia mission property* (Illinois Catholic Historical Review, January-April, 1923, pp. 195-217).

An account of a mission established by the French in the Illinois country about 1698.

### (3) British North America before 1867

BEMIS, SAMUEL FLAGG. *Jay's treaty: A study in commerce and diplomacy*. New York: The Macmillan Co., 1923. Pp. xvii, 388.

To be reviewed later.

BURNETT, EDMUND C. (ed.). *Letters of members of the Continental Congress. Volume II: July 5, 1776, to December 31, 1777*. Washington, D.C.: The Carnegie Institution of Washington, 1923. Pp. lxxiii, 638.

Reviewed on page 268.

EGERTON, H. E. *The causes and character of the American Revolution*. Oxford: At the Clarendon Press, 1923. Pp. vii, 207.

To be reviewed later.

INGRAHAM, CHARLES A. *Sir William Johnson, his character and public services* (Americana, April, 1923, pp. 117-127).

A sketch of the life of the Superintendent of Indian Affairs in the American colonies during and after the Seven Years' War.

IRISH, MARIA M. *The northeastern boundary of Maine* (Journal of American History, December, 1922, pp. 311-322).

An account of the boundary disputes that led up to the signing of the Webster-Ashburton Treaty of 1842.

LELAND, WALDO G. *The Lesueur collection of American sketches in the Museum of Natural History at Havre, Seine-Inférieure* (Mississippi Valley Historical Review, June, 1923, pp. 53-78).

Description of a collection of sketches made in the United States and along the Canadian border between 1816 and 1837 by a French naturalist.

LEWIN, EVANS. *The North West Company and the fur trade* (United Empire, June, 1923, pp. 369-371).

An account of some manuscript materials, written possibly by David Thompson, and dealing with the history of the North West Company, preserved in the Library of the Royal Colonial Institute in London.

MASSICOTTE, E.-Z. *Le baron Schaffalisky* (Bulletin des recherches historiques, mai, 1923, pp. 134-136).

Biographical details about a German baron who lived in Canada from his marriage in 1780 to his death in 1820.

RANEY, WILLIAM F. *Recruiting and crimping in Canada for the Northern forces, 1861-1865* (Mississippi Valley Historical Review, June, 1923, pp. 21-33).

A paper throwing light on the relations between Canada and the United States during the American Civil War.

SULLIVAN, JAMES (ed.). *The papers of Sir William Johnson*. Three vols. Albany: The University of the State of New York. 1921. Pp. xlix, 931; xv, 900; xiv, 997. Reviewed on page 266.

#### (4) The Dominion of Canada

DEXTER, ROBERT C. *French-Canadian patriotism* (American Journal of Sociology, May, 1923, pp. 694-710).

A study of French Canadian nationalism by an American sociologist.

HUEFFER, OLIVER MADOX. *The old guard in Canada* (National Review, May, 1923, pp. 438-442).

An estimate of the position of the French Canadians in Canada and in the Empire.

LOGAN, J. D. *The prime minister as a man of letters* (Canadian Magazine, July, 1923, pp. 211-217).

An account of the literary achievements of Mr. W. L. Mackenzie King.

MACMILLAN, J. W. *National harmony in Canada* (Dalhousie Review, July, 1923, pp. 185-191).

A discussion of centrifugal and centripetal forces in Canadian nationalism.

SMITH, HERBERT ARTHUR. *Federalism in North America: A comparative study of institutions in the United States and Canada*. Boston: The Chipman Law Publishing Company. 1923. Pp. vii, 328.

To be reviewed later.

VANIER, ANATOLE. *Un nouveau craquement* (L'Action française, mai, 1923, pp. 285-290). A discussion of separatist tendencies in the Canadian Confederation.

**III. PROVINCIAL AND LOCAL HISTORY****(1) The Maritime Provinces**

GAUDET, PLACIDE. *Généalogie de l'honorable P.-J. Veniot, premier ministre du Nouveau-Brunswick* (Bulletin des recherches historiques, avril, 1923, pp. 118-121).

A sketch of the life and ancestry of the prime minister of New Brunswick.

HARVEY, D. C. *The passing of the second chamber in Prince Edward Island* (Canadian Historical Association: Annual Report, 1922, pp. 22-31).

An interesting paper on the history of bicameral government in Prince Edward Island.

HERBIN, JOHN F. *The land of Evangeline*. Toronto: Musson Book Co. [1923.] Pp. 84.

A popular account of the story of Evangeline, with illustrations in colour, for the use of the tourist.

MCCREADY, J. E. B. *Traditions of Prince Edward Island* (Dalhousie Review, July, 1923, pp. 204-211).

A popular sketch of the history of Prince Edward Island, with some account of her present position in the Dominion..

PATTERSON, Judge G. *The coming of the "Hector"* (Dalhousie Review, July, 1923, pp. 146-151).

An account of the arrival in 1773 of the first shipload of Scottish immigrants into Nova Scotia.

**(2) The Province of Quebec**

ARCHAMBAULT, Père JOSEPH-PAPIN, S.J. *La Villa la Broquerie* (L'Action française, juin, 1923, pp. 303-309).

A brief account of the history of a French-Canadian manor-house, now owned by the Jesuits.

CLOTHIER, RAOUL. *The lure of Quebec*. Toronto: The Musson Book Co. [1923.] Pp. 85. (\$1.00.)

"An illustrated descriptive guide to the historical and picturesque landmarks and places of interest in Quebec and environs."

DORION, C.-E. *La basilique de Notre-Dame de Québec* (Canada Français, avril, 1923, pp. 190-194).

A brief account of the history of the burned basilica of Notre-Dame at Quebec.

GALE, GEORGE. *Historic tales of old Quebec*. Revised and enlarged. Quebec: The Telegraph Printing Company. 1923. Pp. 344.

Reviewed on page 266.

MASSICOTTE, E.-Z. *Coutumes et traditions se rattachant à la fête de Paques* (Bulletin des recherches historiques, juin, 1923, pp. 175-176).

Notes on French-Canadian social history.

——— *Les shérifs de Montréal (1763-1923)*. (Bulletin des recherches historiques, avril, 1923, pp. 107-114).

Biographical details about the sheriffs of Montreal from the British conquest up to the present.

MAURAULT, Abbé OLIVIER. *Saint-Jacques de Montréal: L'église—La paroisse*. Montréal: Au presbytère. 1923. Pp. 126.

The history of a parish of Montreal.

MCILWRAITH, JEAN N. *Motor rides around Quebec* (Canadian Magazine, June, 1923, pp. 128-140).

A description of Quebec for prospective tourists.

ROBITAILLE, Abbé G. *Barthélémy Joliette* (L'Action française, juin, 1923, pp. 366-375).  
 A sketch of the life of a French Canadian pioneer of the nineteenth century.

ROSS, MARGARET. *Lewis settlers in the Eastern Townships* (Canadian Magazine, June, 1923, pp. 171-176).  
 The story of a Highland Scotch settlement in the province of Quebec.

ROY, P.-G. *Le nom Vallière de Saint-Réal, était-il authentique?* (Bulletin des recherches historiques, juin, 1923, pp. 161-168).  
 An inquiry into the adoption by Vallière de Saint-Réal of the latter part of his name.

— *Le premier Crémazie au Canada* (Bulletin des recherches historiques, juin, 1923, pp. 184-185).  
 An account of the ancestry of the French-Canadian poet Crémazie.

— *Les évêques consacrés à Québec* (Bulletin des recherches historiques, avril, 1923, pp. 97-106).  
 Biographical details about all the Roman Catholic bishops consecrated at Quebec.

— *Les premières années de Vallière de Saint-Réal* (Bulletin des recherches historiques, mai, 1923, pp. 129-133).  
 An inquiry into the truth concerning the birth-place of a famous Lower-Canadian judge of the beginning of the nineteenth century.

WEAVER, EMILY P. *Early days in old Quebec* (Canadian Magazine, June, 1923, pp. 107-117).  
 A sketch of the early history of Quebec.

### (3) The Province of Ontario

CASSAN, MATTHEW SHEFFIELD. *Some account of the life of a military settler in Canada, 1834* (Women's Canadian Historical Society of Toronto; Transaction No. 22, 1921-1922, pp. 23-30).  
 The journal of an English officer who settled in central Ontario in 1834.

CRUIKSHANK, Brig.-Gen. E. A. (ed.). *The correspondence of Lieut. Governor John Graves Simcoe, with allied documents relating to his administration of the government of Upper Canada*. Vol. I: 1789-1793. Toronto: Ontario Historical Society. 1923. Pp. xv, 443. (\$1.00.)  
 To be reviewed later.

CUMBERLAND, R. W. *The United Empire Loyalist settlements between Kingston and Adolphustown* (Queen's Quarterly, April, May, June, 1923, pp. 395-419).  
 A study, based on original materials, of the loyalist settlements about the Bay of Quinté at the end of the eighteenth century.

KELLY, Rev. E. (ed.). *The story of St. Paul's Parish, Toronto*. Toronto. 1922. Pp. 329.  
 Reviewed on page 272.

PERRIER, Abbé PHILIPPE. *Un évêque missionnaire* (L'Action française, avril, 1923, pp. 216-228).  
 An account of the life and work of Mgr Latulipe, the first bishop of Haileybury (1908-1922).

RIDDELL, Hon. W. R. *Osgoode Hall* (Canadian Historical Association: Annual Report, 1922, pp. 32-34).  
 A brief sketch of the history of the building in which the law courts sit in Toronto.

RIDDELL, Hon. W. R. *Toronto in the parliaments of Upper Canada, 1792-1841* (Women's Canadian Historical Society of Toronto: Transaction no. 22, 1921-1922).

A paper describing the constituencies in the old province of Upper Canada which contained the situs of the present city of Toronto, and giving some account of the members for these constituencies in the Legislative Assembly.

#### (4) The Western Provinces

[CANADA: DEPARTMENT OF THE INTERIOR.] *The Banff-Windermere Highway*. Ottawa. [1923.] Pp. 35; map.

A pamphlet describing the newly-opened motor highway in the Rocky Mountains between Banff and Lake Windermere.

GOLDER, F. A. *Bering's voyages: An account of the efforts of the Russians to determine the relation of Asia and America*. In two volumes. Vol. I: *The log books and official reports of the first and second expeditions, 1725-1730 and 1733-1742*. (American Geographical Society: Research Series no. 1.) New York: American Geographical Society. 1922. Pp. x, 371; chart and illustrations.

Reviewed on page 265.

HOWAY, F. W. *Letters relating to the second voyage of the Columbia* (Quarterly of the Oregon Historical Society, June, 1923, pp. 132-152).

Hitherto unprinted letters relating to the second voyage of the *Columbia* to the North-West Coast, extracted from the Barrell papers in the archives of the Massachusetts Historical Society.

NEWCOMBE, C. F. (ed.). *Menzies' Journal of Vancouver's voyage, April to October 1792*. With a biographical note by J. FORSYTH. (Archives of British Columbia: Memoir no. V.) Victoria, B.C.: The King's Printer. 1923. Pp. xx, 171.

Reviewed on page 270.

OUTRAM, SIR JAMES. *In the heart of the Canadian Rockies*. Toronto: The Macmillan Co. 1923. Pp. xii, 466; illustrations and maps.

A new issue of a book published originally in 1905.

PRUD'HOMME, Juge L.-A. *Anciens forts dans le nord-ouest* (Canadian Historical Association: Annual Report, 1922, pp. 35-37).

A brief account of the forts established in the Canadian north-west during the French régime.

STOKES, CHARLES W. *Round about the Rockies*. Toronto: The Musson Book Co. [1923.] Pp. 96. (\$1.00.)

"An everyday guide to the Rocky and Selkirk Mountains of Canada," illustrated in colour.

#### IV. GEOGRAPHY, ECONOMICS, AND STATISTICS

FAY, C. R. *Lessons of Soldier Settlement in Canada* (United Empire, April, 1923, pp. 202-208).

A paper advocating the retention of the Canadian Soldier Settlement Board as part of the permanent machinery of settlement in Canada.

HURLIN, RALPH G. *Canadian employment statistics* (Journal of the American Statistical Association, March, 1923, pp. 615-622).

An account of the statistical service instituted by the Employment Service branch of the Canadian Department of Labour.

KENNEDY, W. P. M. (ed.). *Social and economic conditions in the Dominion of Canada.* (Annals of the American Academy of Political and Social Science, vol. cvii, no. 196.) Philadelphia: American Academy of Political and Social Science. 1923. Pp. v, 319. Reviewed on page 273.

MALCOLM, WYATT. *The coalfields of Canada* (Canadian Magazine, May, 1923, pp. 3-10). An estimate of the resources of the Canadian coalfields, by the chief of the division of geological information, Department of Mines, Ottawa.

SHORTT, ADAM. *Founders of Canadian banking: Austin Cuvillier, merchant, legislator, and banker* (Journal of the Canadian Bankers' Association, April, 1923, pp. 304-316). A biographical sketch of one of the early bankers of Montreal.

## V. EDUCATIONAL AND RELIGIOUS HISTORY

ASSELIN, OLIVAR. *L'œuvre de l'abbé Groulx.* Montréal: Bibliothèque de l'Action française. 1923. Pp. 96. (50c.) An appreciation of the literary and historical work of the professor of history at the University of Montreal.

BRAITHWAITE, EDWARD E. *Canada's educational progress* (Canadian Magazine, April, 1923, pp. 487-493; May, 1923, pp. 13-18). A survey of the present position in regard to education in Canada.

CHARTIER, Chanoine ÉMILE. *Les époques de la poésie canadienne-française* (Revue Trimestrielle Canadienne, juin, 1923, pp. 113-127). A sketch of the history of French-Canadian literature on the poetic side.

MACKAY, Principal JOHN. *Spiritual conditions in Canada: A reply* (Hibbert Journal, July, 1923, pp. 773-785). A paper by the principal of Manitoba College, Winnipeg, replying to an article on *Spiritual conditions in Canada*, by Mr. Carleton W. Stanley, published in the *Hibbert Journal* of January, 1923.

MAGNAN, C.-J. *Le bureau national d'éducation* (Canada Français, juin, juillet, août, 1923, pp. 337-354). A vigorous attack, from the French-Canadian point of view, on the project of a "National Bureau of Education" in Canada.

MORROW, E. LLOYD. *Church union in Canada: Its history, motives, doctrine, and government.* Toronto: Thomas Allen. [1923.] Pp. 450. A detailed and exhaustive argument against the proposed union of the Presbyterian and Methodist Churches in Canada, with some account of the history of the church union movement, by a minister of the Presbyterian Church.

ROY, Abbé CAMILLE. *Érables en fleurs.* Québec: L'Action sociale. 1923. Pp. 231. A volume of book reviews, some of which deal with French-Canadian historical works.

ROY, P. G. *La première province ecclésiastique au Canada* (Bulletin des recherches historiques, juin, 1923, pp. 179-180). An account of the erection of the metropolitan province of Quebec in 1844.

SUTHERLAND, J. C. *Sir William Dawson* (Educational Record of the Province of Quebec, April, May, and June, 1923, pp. 104-128). A biographical account of a former principal of McGill University.

